

**Town of Rotterdam
Planning Commission
May 7, 2024**

Workshop (2nd Floor Conference Room) – 7:00pm

1. **Speedway LLC – 1911 Curry Road.** The applicants request a Waiver of Site Plan review to install bollards along the front parking area and remove wheel stops on a ±1.86-acre parcel.

Agenda (V. Dalton Bambury Hearing Room 2nd Floor) – 7:30pm

Approval of the Summary of Minutes April 16, 2024

1. **Rotterdam Renewables LLC – 1827 Putnam Road.** The applicant requests a Waiver of Site Plan review for modifications to a previously approved Site Plan/Special Use Permit, (September 6, 2022), to include modifications of racking, enhancement of driveway, swale, grading, and stormwater features to accommodate racking, consolidation of electrical equipment and pad, and minimization of temporary laydown area. Engineer: Crawford and Associates.
2. **Primax Properties, LLC (Contract Vendee) – 2945 Hamburg Street.** Preliminary Site Plan review to construct a ±10,640 square foot Dollar General retail store on a ±2.24-acre parcel. Engineer: Bohler Engineering.
3. **Hungry Hill Ventures, LLC – Consalus Avenue & Wedgewood Heights.** Sketch Site Plan/Special Use Permit review for a ±12,000 square foot building with two (2) tenant spaces on newly created ±2.28-acre parcel and storage of construction equipment on newly created ±2.46-acre parcel. Engineer: ABD Engineers, LLC.
4. **Burdeck Street Development, LLC – 784 & 796 Burdeck Street.** Final Two (2) Lot Subdivision and Boundary Line Adjustment Public Hearing: boundary line adjust 784 and 796 Burdeck Street and subdivide the rear portion of 784 Burdeck Street to create an additional lot with frontage on Opus Boulevard (Lot #1 Opus Boulevard = ±71,736 s.f., Lot #2 796 Burdeck Street = ±57,151 s.f., and Lot #3 784 Burdeck Street = ±23,572 s.f.). Engineer: ABD Engineers LLC.
5. **RPK Real Estate, LLC – 330 Becker Drive.** Sketch Site Plan/Special Use Permit Review to construct an additional ±2,400 square foot commercial building for the retail sale of cannabis within the existing travel plaza located on a ±3.37-acre lot. Engineer: Doak Engineering Design, PC.
6. **Town of Rotterdam – Code Amendment.** Report and Recommendation to the Town Board to amend Chapter 270, entitled “Zoning” to amend the Main Street/Neighborhood Center Overlay District height requirements from three (3) stories (45’) to two (2) stories (30’).

Workshop (2nd Floor Conference Room) – 7:00pm

1. **Speedway LLC – 1911 Curry Road.** The applicants request a Waiver of Site Plan review to install bollards along the front parking area and remove wheel stops on a ±1.86-acre parcel.
 1. Approvals are contingent upon compliance with all NYS Building and Fire Codes.
 2. Applicant must obtain a Building Permit and be issued a Certificate of Compliance from the Town of Rotterdam Building Inspector/Code Enforcement Officer.
 3. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
 4. Planning Commission requires entire area parking spaces affected by the installation of the bollards to be replaced with concrete. These most frequently used parking spaces in front of convenience store are affected by vehicular fluids that degrade asphalt over time and create a hazard. Add to final building permit plans.

WAIVER OF SITE PLAN REVIEW

Date Reviewed: May 7, 2024

PC2024-W20

The Town Planning Commission Office has received the attached application and accompanying documents. The below-identified applicant requests a waiver of Article XVII "Site Plan Approval", stating that a site plan review and approval is unnecessary and would not serve the purpose of the Article.

APPLICANT: Beam Team Construction, Inc.

Attn: Dianne Bagwell

ADDRESS: 1350 Bluegrass Lakes Parkway
Alpharetta, GA 30004

PROJECT LOCATION: 1911 Curry Road

APPLICANT IDENTIFIED AS: **Owner** **Lessee** **XX Contract Vendee**

REQUEST: The applicants request a Waiver of Site Plan review to install 18 pipe bollards along the front parking area and remove wheel stops on a ±1.86 acre parcel.

Action Taken by Commission:

In accordance with Chapter 270 of the Town of Rotterdam Zoning Ordinance, Article XVII, "Site Plan Approval", Section 270-130(C) the Planning Commission waives the requirements set forth in said Article, conditionally.

Conditions imposed, if any, are as follows:

1. Approvals are contingent upon compliance with all NYS Building and Fire Codes.
2. Applicant must obtain a Building Permit and be issued a Certificate of Compliance from the Town of Rotterdam Building Inspector/Code Enforcement Officer.
3. Applicant to comply fully with Town Sign Code and obtain a building permit for any signage.
4. Planning Commission requires entire area parking spaces affected by the installation of the bollards to be replaced with concrete. These most frequently used parking spaces in front of convenience store are affected by vehicular fluids that degrade asphalt over time and create a hazard. Add to final building permit plans.

The Commission action on the Waiver application took place at the Planning Commission meeting of May 7, 2024 and authorized the Commission Chairman to execute the Waiver. The issuance of this Waiver is contingent upon the applicant complying with all conditions as stated above. Failure to adhere to conditions may result in revocation of Waiver by the Town of Rotterdam Planning Commission and requirement of a full Site Plan.

Peter J. Comenzo
Senior Planner

Kimberly Ricker Scannell, Chairman
Planning Commission



**Town of Rotterdam
Waiver of Site Plan Review Application**

RECEIVED

MAY 01 2024

TOWN OF ROTTERDAM
PUBLIC WORKS

The following applicant requests a Waiver of Site Plan Review. The following documentation is required for Planning Commission review:

1. Copy of Deed and/or executed lease agreement or contract to purchase.
2. Copy of Site Plan that identifies:
 - All structures on site.
 - All parking areas on site (parking spaces 9' x 18').
 - Handicap parking and accessibility as required by New York State Building Code.
 - Interior floor plan of usable area by applicant.
 - Proposed site improvements including parking, structural additions, landscaping and other pertinent information as identified in Section 270-132 of Town Code.
3. On a separate sheet of paper provide a descriptive narrative of use and activity occurring on the site including but not limited to the number of employees, exact nature of business, hours of operation and expected customers to the site daily.
4. A completed Commercial or Residential Building Permit Application.
5. \$100.00 application fee (cash or check – payable to the Town of Rotterdam). Fee in lieu of parkland for residential developments: \$600 per dwelling unit.
6. Does any Town officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? YES _____ NO ^x_____. If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

PRESENT OWNER(S): Speedway LLC

APPLICANT(S)/LESSEE: Beam Team Construction, Inc.

MAILING ADDRESS: 1350 Bluegrass Lakes Pkwy

CITY: Alpharetta STATE: GA ZIP: 30004

DAYTIME TELEPHONE: 470-389-2361 EMAIL ADDRESS Licensing@thebeamteam.com

PROJECT ADDRESS: 1911 Curry RD

APPLICANT IDENTIFIED AS: Owner _____ Lessee _____ Contract Vendee^x_____

REQUEST: Installation of parking bollards at the exterior of existing convenience store

By signing the application, it is understood by the applicant that he/she must fully comply with the Town Code and obtain any required permits.

SIGNATURE OF APPLICANT Dianne Bagwell DATE 05/01/2024

* The Planning Commission meets on the first and third Tuesday of each month. All pertinent information and fee(s) must be submitted to the Planning Commission Office at least ten (10) days prior to the meeting.

** All businesses located in the Town of Rotterdam must receive Planning Commission approval and a Certificate of Compliance issued by Building Inspector prior to occupancy.

DPW Comments
May 7, 2024

1. **Rotterdam Renewables LLC – 1827 Putnam Road.** The applicant requests a Waiver of Site Plan review for modifications to a previously approved Site Plan/Special Use Permit, (September 6, 2022), to include modifications of racking, enhancement of driveway, swale, grading, and stormwater features to accommodate racking, consolidation of electrical equipment and pad, and minimization of temporary laydown area. Engineer: Crawford and Associates.
 1. Site plan modifications are subject to full and final approval by the Town Designated Engineer (TDE) and Stormwater Management Officer prior to signature on the site plan.
 2. See email from Christopher Knox dated March 21, 2024 concerning the placement of panels spanning the drainage swale and modifications that were taken to address this issue.
 3. Waiver of Site Plan approval is contingent upon compliance with all NYS Building and Fire Codes.
 4. Applicant must obtain a Building Permit and be issued a Certificate of Compliance from the Town of Rotterdam Building Inspector/Code Enforcement Officer prior to operation.
 5. All previous conditions shall apply as stated in PC Resolutions PC40-2022 and PC41-2022.

SEQR Requirement: 6 NYCRR 617 Type 1 Action. Rotterdam Planning Commission declared lead agency on June 15, 2021. Project has been circulated to involved/interested agencies. The Planning Commission adopted a Negative Declaration on September 6, 2022. These minor modifications to the site plan have been reviewed and determined to be in conformance with the original scope of the SEQR Environmental Review. All modifications are within the previous approved project area and no additional SEQR review is required.

Involved/Interested Agencies

Schenectady County Economic Development and Planning
Schenectady County Department of Health
Schenectady County Department of Public Works
New York State Department of Environmental Conservation – Region #4
United States Department of the Army, Corps of Engineers
Rotterdam Police Department
Schenectady County Industrial Development Agency
Metroplex Development Authority
Fire District #6
Schalmont School District

WAIVER OF SITE PLAN REVIEW

Date Reviewed: May 7, 2024

PC2024-W19

The Town Planning Commission Office has received the attached application and accompanying documents. The below-identified applicant requests a waiver of Article XVII "Site Plan Approval", stating that a site plan review and approval is unnecessary and would not serve the purpose of the Article.

APPLICANT: Rotterdam Renewables, LLC

Attn: Chris Clark

ADDRESS: 101 Summer Street, 2nd Floor
Boston, MA 02110

PROJECT LOCATION: 1827 Putnam Road

APPLICANT IDENTIFIED AS:	Owner	XX	Lessee	Contract Vendee
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REQUEST: The applicant requests a Waiver of Site Plan review for modifications to a previously approved Site Plan/Special Use Permit, (September 6, 2022), to include modifications of racking, enhancement of driveway, swale, grading, and stormwater features to accommodate racking, consolidation of electrical equipment and pad, and minimization of temporary laydown area.

Action Taken by Commission:

In accordance with Chapter 270 of the Town of Rotterdam Zoning Ordinance, Article XVII, "Site Plan Approval", Section 270-130(C) the Planning Commission waives the requirements set forth in said Article, conditionally.

Conditions imposed, if any, are as follows:

1. Site plan modifications are subject to full and final approval by the Town Designated Engineer (TDE) and Stormwater Management Officer prior to signature on the site plan.
2. See email from Christopher Knox dated March 21, 2024 concerning the placement of panels spanning the drainage swale and modifications that were taken to address this issue.
3. Waiver of Site Plan approval is contingent upon compliance with all NYS Building and Fire Codes.
4. Applicant must obtain a Building Permit and be issued a Certificate of Compliance from the Town of Rotterdam Building Inspector/Code Enforcement Officer prior to operation.
5. All previous conditions shall apply as stated in PC Resolutions PC40-2022 and PC41-2022.

The Commission action on the Waiver application took place at the Planning Commission meeting of May 7, 2024 and authorized the Commission Chairman to execute the Waiver. The issuance of this Waiver is contingent upon the applicant complying with all conditions as stated above. Failure to adhere to conditions may result in revocation of Waiver by the Town of Rotterdam Planning Commission and requirement of a full Site Plan.

Peter J. Comenzo
Senior Planner

Kimberly Ricker Scannell, Chairman
Planning Commission



Town of Rotterdam
Office of the Planning Commission

Thomas P. Yuille, Chairman
Peter J. Comenzo, Senior Planner

Telephone (518) 355-7575
Facsimile (518) 355-2725

Resolution Number Planning Commission 40-2022

Moved by Mr. Collins seconded by Mr. Calder

Applicant: Rotterdam renewables, LLC (Lessee)/Dan Brudos (Owner)

Applicant: Rotterdam Renewables, LLC (Lessee)/Dan Brudos (Owner)

Project Location: 1827 Putnam Road
Rotterdam, New York

Tax Number or Numbers: 47-2-19.1

Proposed Project: Special Use Permit for the location of a multiple principal uses (Residence & Agricultural Operation) and a 5.00 Megawatts (AC) solar energy array on approximately ± 22.7 acres of land on a ± 133.27 -acre parcel.

WHEREAS, public meetings were conducted by the Town of Rotterdam Planning Commission on June 15, 2021, November 4, 2021, and a public hearing on September 6, 2022 to consider the above referenced Special Use Permits; and,

WHEREAS, this matter was discussed and approved, as meeting the standards for a Special Use Permit as set forth in Chapter 270 of the Code of the Town of Rotterdam entitled ZONING; and,

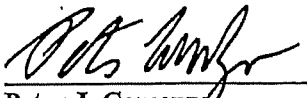
WHEREAS, the Town of Rotterdam Planning Commission after careful consideration of the application, testimony of the applicant and/or representative and members of the public in attendance at the hearing, and all other materials of record **HEREBY APPROVES THE SPECIAL USE PERMIT; NOW,**

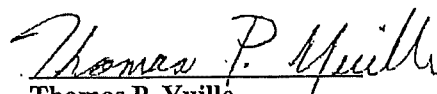
IT IS HEREBY RESOLVED THAT this Special Use Permit is approved with the following conditions as stipulated by the Planning Commission:

1. Final Fees Due:

Final Site Plan	\$150.00
Advertising (July 19 th PH)	39.96
Advertising (September 6 th PH)	<u>39.41</u>
Total	\$229.37
2. Add note to site plan Sheet T-101: "Prior to the issuance of site development permits, the limits of disturbance/clearing as depicted on the final site plan shall be surveyed and flagged in the field and evidence presented to the Department of Public Works Stormwater Officer that the work has been completed."

3. Add note to site plan Sheet C-101 last revised on September 6, 2022: "Prior to the issuance of Building Permits for construction, the applicant shall complete the buffer and screening mitigation as approved by the Planning Commission along the southern property of the lands of N/F Dunn."
4. Add note to site plan Sheet C-101 and Sheet C-503: "Periodic pruning of supplemental White Spruce and Eastern White Pine to prevent array shading shall not be reduced in height below 15 feet. Dead and/or dying supplemental trees shall be replaced in kind and in perpetuity."
5. Prior to Chairman's signature on the Final Site Plan, the applicant must receive full and final approvals by the Town Designated Engineer on all current and potential forthcoming technical comments on the project documents.
6. Prior to Chairman's signature on the Final Site Plan, the applicant must receive full and final approvals by the TDE and Town Stormwater Manager of the Stormwater Operation and Maintenance Manual and Stormwater Pollution Prevention Plan as prepared by Crawford and Associates.
7. Prior to the issuance of Building Permits for construction, funds in the amount of \$276,809.00 shall be provided to the Town of Rotterdam for financial surety to implement the decommissioning plan. Type of surety shall be approved as to form by the Attorney for the Town and accepted by the Town Board.
8. Prior to the issuance of site development permits, the applicant shall file a Notice of Intent with the NYSDEC in order to gain coverage under the SPDES General Permit for stormwater discharges from construction activities for the project. Proof of permit coverage must be submitted to the Town prior to site work. Weekly SWPPP inspection reports will need to be sent to the Town Stormwater Manager. A schedule for when land disturbing activities will commence is required and notification to the Town Stormwater Manager when land disturbance begins. A deed covenant for the property is required for post-construction maintenance of the stormwater management facilities in accordance with the approved Operation and Maintenance guide. These documents need to be established and submitted to the Town prior to a Certificate of Occupancy (CO) being issued.
9. Prior to the issuance of site development permits, the applicant must receive Highway Work Permits from Schenectady County for work onto Putnam Road. Copies of all correspondence with Schenectady County shall be provided to the Town.
10. If the site access for the solar project is intended to be a shared driveway with the existing property owner, provide documentation concerning the maintenance of roadway prior to Chairman's signature. Any maintenance agreement for the shared driveway must be submitted to the Attorney for the Town, approved as to form, and filed with Schenectady County prior to the issuance of a site development permits.
11. Project identification signage needs to be installed at the Putnam Road entrance to the facility and shall contain reflective material so that it can be easily read during the evening hours.
12. The applicant shall provide the Town of Rotterdam DPW paper and electronic AutoCAD file copies of the utility "As-Built Record Drawings" upon completion and testing of the utilities.
13. Prior to the issuance of Site Development and/or Building Permit(s) by the Town of Rotterdam, the applicant shall attend a pre-construction meeting with the Building Inspector and DPW staff to confirm the completion of the above stated conditions.


Peter J. Comenzo
Senior Planner


Thomas P. Yuille
Planning Commission Chairman



**Town of Rotterdam
Waiver of Site Plan Review Application**

RECEIVED

APR 26 2024

TOWN OF ROTTERDAM
PUBLIC WORKS

The following applicant requests a Waiver of Site Plan Review. The following documentation is required for Planning Commission review:

1. Copy of Deed and/or executed lease agreement or contract to purchase.
2. Copy of Site Plan that identifies:
 - All structures on site.
 - All parking areas on site (parking spaces 9' x 18').
 - Handicap parking and accessibility as required by New York State Building Code.
 - Interior floor plan of usable area by applicant.
 - Proposed site improvements including parking, structural additions, landscaping and other pertinent information as identified in Section 270-132 of Town Code.
3. On a separate sheet of paper provide a descriptive narrative of use and activity occurring on the site including but not limited to the number of employees, exact nature of business, hours of operation and expected customers to the site daily.
4. A completed Commercial or Residential Building Permit Application.
5. \$100.00 application fee (cash or check – payable to the Town of Rotterdam). Fee in lieu of parkland for residential developments: \$600 per dwelling unit.
6. Does any Town officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? YES ____ NO _____. If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

PRESENT OWNER(S): Daniel T. & Susan L. Brudos

APPLICANT(S)/LESSEE: Rotterdam Renewables, LLC, a subsidiary of Nexamp Inc.

MAILING ADDRESS: 101 Summer Street, 2nd Floor

CITY: Boston **STATE:** MA **ZIP:** 02110

DAYTIME TELEPHONE: 607.592.5648 **EMAIL ADDRESS** rmccune@nexamp.com

PROJECT ADDRESS: 1827 Putnam Road, Schenectady NY, 12306, Parcel ID 47.-2-19.1

APPLICANT IDENTIFIED AS: Owner ____ Lessee X Contract Vendee ____

REQUEST: Site plan previously approved by Rotterdam Planning Commission per Resolution Number

PC41-2022, September 6, 2022, site plan revised per said resolution conditions dated December 16, 2022.

Request for minor modifications to site plan.

By signing the application, it is understood by the applicant that he/she must fully comply with the Town Code and obtain any required permits.

SIGNATURE OF APPLICANT Chris Clark - SVP, Business Development **DATE** 4/23/24

* The Planning Commission meets on the first and third Tuesday of each month. All pertinent information and fee(s) must be submitted to the Planning Commission Office at least ten (10) days prior to the meeting.

** All businesses located in the Town of Rotterdam must receive Planning Commission approval and a Certificate of Compliance issued by Building Inspector prior to occupancy.



Rotterdam Renewables, LLC

Compliance Memorandum – Site Plan Waiver Request Narrative

April, 2024

Prepared For:

Rotterdam Planning and Zoning Department
Attn: Peter Comenzo
1100 Sunrise Blvd
Rotterdam, NY 12306

Prepared By:

Nexamp Solar
Ryan M McCune
101 Summer St, Flr 2
Boston, MA 02110
Email:RMcCune@nexamp.com

Introduction:

Rotterdam Renewables, a wholly owned subsidiary of Nexamp Solar, LLC, is seeking a Site Plan Waiver for several changes to our previously approved Community Solar Array at 1827 Putnam Road in the Town of Rotterdam. The 5MWac project, which was approved in September 2022, has applied for its building permit, and was compelled to submit this waiver application by the Building Department following their document review. Included in this submission is a collection of documentation supporting the building permit application, as well as the site plan waiver request. Included within this narrative is a brief description of the proposed changes, and the project sponsors stance as to the projects adherence to previous SEQR and Site Plan approvals.

Submitted Materials:

- 1. Waiver of Site Plan Review Application
- 2. Site Plan Narrative & Engineers Letter
- 3. Site Plan
- 4. Recorded Memorandum of Lease
- 5. Owner's Authorization Form
- 6. Completed Building Permit Application
- 7. Completed SWPPP
- 8. Amended Operations and Maintenance Plan

Proposed Changes:

The proposed changes to the array area are aligned with a necessary racking revision. The project was permitted under the assumption that a Terratrak 2P Single Axis tracker system would be deployed. Initial consultations with the racking provider confirmed that the system would be able to meet Category 2 Wind loads, and the design was memorialized in the final system approval.

Following Town approval, when the system structural design was being finalized, the racking provider reversed course and has confirmed that a 2P design would no longer be structurally feasible, should it be held to Category 2 standards. This realization necessitated the change to a 1P tracker system, with a shorter height and longer row lengths.

While the project fence line, inverter locations, access roads, and stormwater retention areas have all remained substantially similar to their approved layouts, the racking placements within the array have been adjusted to account for this new racking form factor.

In addition to this change, there has also been a slight adjustment of the conveyance swale North of the access road to ensure its safe operation throughout the system lifetime. As previously designed, when subjected to the new racking layout, the installation would have included pile locations within the conveyance swale. This feature would have resulted in erosion around pile location, and compromised the integrity of this conveyance feature, and the stormwater system as a whole. As submitted, the current stormwater system adheres to all the standards agreed upon by the Town and its engineers. Should the Town have any concerns about the ongoing maintenance of this swale, we have filed an amendment to the previously approved Operations and Maintenance Plan to account for this feature more clearly.

Lastly, as racking designs have been revised by the racking provider, some areas of spot grading have been included to ensure all racking footers are in compliance. All proposed grading is happening within the previously approved limits of disturbance contemplated in the previous permit sets, and under SEQR. Similarly, previously approved plans contemplated stormwater measures to be used under the contemplated grades, and those practices have been approved to the extent necessary throughout the design.

Approvals and Conditions

Per Town requirements, the following conditions were required to be satisfied prior to the issuance of a Building Permit by the Town;

- **LOD flagged and surveyed prior to clearing**

LOD was flagged and tree clearing was conducted in late 2022/early 2023. Since that time, trees have remained in place due to the lack of ability to conduct site work and stabilization.

- **Screening installed along southern property prior to BP issuance**

Screening was installed in November 2023, and will be maintained throughout the balance of construction and operation per Town Requirements.

- **Town Engineer , full approvals**

Engineering approvals are being sought through the building permit review process. Prior to acceptance of the facility, all remaining comments posed by Colliers Engineering in their July 2022 letter were addressed.

- **Town Stormwater Engineer, Full approvals**

Engineering approvals are being sought through the building permit review process. The system as contemplated and approved during the site plan review has remained substantially the same. A revised SWPPP has been included with this application for clarity.

- **Decomissioning Bond must be issued**

Decommissioning Agreements, and Bonds were voted on and approved by the Town Board in January of 2024. Bonds were subsequently pulled and issued, with copies delivered to the Town in February of 2024. This bond will remain in place throughout construction and operation in accordance with Town regulations

- **eNOI must be filed**

The eNOI was originally filed for this project in February 2023.

- **Highway Work Permit must be issued**

Highway work permits were originally issued in December of 2022, and have recently been renewed in April of 2024.

- **Conduct a Pre Construction Meeting**

Preconstruction meetings have not been held and are pending the processing of this site plan review, and the formal acceptance of the building permit application.

- SEQR

SEQR negative declaration was issued for the project in September of 2022 and was measured against several predominant factors, including; total array footprint, total disturbance acreage, height, and proposed impervious surfaces. Small impacts were stated to be observed for the following portions of the project; Impact on Land, Impact on Plants and Animals. Most of these impacts were drawn from the physical characteristics of the proposed installation. To better illustrate the substantial compliance with previously approved standards, side by side comparisons of the proposed modifications to the site are below.

	Approved Design	Current Design
Site Acreage (within the fence)	21.5ac	21.5ac
Total Proposed Disturbance	22ac	22ac
Total Tree Removal	26.4ac	26.4ac
Total Fill Import	0 CuYd	0 CuYd
Total Impervious Area	.6ac	.6ac
System Height	20'	12-15'

Impact on land

No moderate to large impacts recorded. Location of the array in relation to the broader parcel has not changed, total amount of tree removal has not changed, overall SWPP features that control erosion have not changed, and the site remains balanced, with no fill imports needed to handle grading requirements.

Impact on Plants and Animals

No moderate to large impacts were recorded. Overall impacts to plants and animals were predicated upon tree removal and occupation of scrubland habitat. The overall tree clearing acreage for the site has not changed, and the site installation in relation to the overall parcel has not changed, therefore impacts are not presumed to have increased.

Impact on Agricultural Resources

No Moderate to Large impacts are slated to occur, and the overall footprint of the site has not changed at all. Therefore, increased impacts to agricultural resources are not presumed to have increased.

Impact on Aesthetic Resources

No Moderate to large impacts were recorded. The overall site footprint has not changed, nor has the amount of tree clearing needed for the installation. The height of the racking has *decreased*, and therefore increased visibility from neighboring properties is not presumed to have increased.

Impact on Archaeological Resources

No moderate to large impacts were recorded. SHPO no impact letters were filed on this project with the permit submission, and as no notices have been obtained from NYSHPO indicating changes to the underlying parcel, no impacts are presumed to have increased.

Impact on Energy

No moderate to large impacts were recorded. The overall system size has not increased, nor have the slated upgrades to be undertaken by National Grid been adjusted. As such, no impacts are presumed to have increased.

Consistency with Community Character

No moderate to large impacts were recorded. The footprint of the system, visual impacts, and nature of the installation have not substantially changed, therefore no impacts are presumed to have increased.

Summary:

We thank the Town of Rotterdam, its staff, residents and consultants for their review of this waiver and its associated Building Permit Application. While we understand that several changes have been made following the Town's previous approval, all these changes were made in accordance with the provisions of the project's previous review and approval, and continue utilization of previously approved construction practices.

As the site's overall limits of disturbance, methods of installation, stormwater management features and effectiveness, impervious surfaces, road locations and fence lines have remained unchanged, it is Nexamp's stance that the project remains unsubstantially altered and thus, a waiver may be granted by the Town and its staff without broader consideration.



Crawford & Associates Engineering & Land Surveying, PC

Hudson Office – One Hudson City Centre, Suite 300 • Hudson, NY 12534
Tel: (518) 828-2700 • Fax: (518) 828-2723 • www.crawfordandassociates.com

PRESIDENT

Jennifer Crawford P.E.

PRINCIPAL EMERITUS

David J. Crawford, P.E.

ASSOCIATES

Andrew P. Aubin, P.E., LEED
Daniel J. Russell, L.S.
Donna M. Verna, P.E.

April 25, 2024

Town of Rotterdam Planning Commission
Peter Comenzo, Senior Planner
Rotterdam Town Hall
1100 Sunrise Boulevard
Rotterdam, NY 12306

**Re: Rotterdam Renewables, LLC
Waiver of Site Plan Review Application
Tax Map ID: 47.-2-19.1
C&A # 4959.35**

Dear Mr. Comenzo:

On June 3, 2021, Rotterdam Renewables, LLC (a subsidiary of Nexamp, Inc.) and C&A submitted an application for special use permit and site plan approval for a 5 MW AC ground-mounted solar farm located at Putnam Road in the Town of Rotterdam, New York. Following the Rotterdam Planning Commission (PC) review process, on September 6, 2022, special use permit and site plan approvals were issued by the PC in Resolution Numbers PC40-2022 and PC41-2022. As requested, the approved site plan was revised and resubmitted to the PC per said resolutions' conditions on December 16, 2022.

Since that time, Rotterdam Renewables, LLC has made minor adjustments to the site plan for refinements in construction logistics, updated topographical information, as well as for final solar racking materials (availability / capability of racking has changed with the fast, ever evolving / improving nature of the solar industry). Such minor adjustments include:

- Modification of racking to a one-in-portrait (1P) single-axis tracking system
- Enhancement of driveway / roadside swale / general grading and stormwater features to accommodate racking system
- Consolidation of electrical equipment / pad
- Refinement of diversion swale grading west of electrical equipment pad
- Minimization of temporary laydown area

In recent discussions regarding the above-described site plan adjustments with the Town Stormwater Management Officer, Planner, Building Department, and Town Engineer (Colliers Engineering & Design (CED)), the Town has expressed concern regarding the southern ends of rows in the northern array section now proposed to span over top of the roadside swale. It is our understanding that the Town is specifically concerned with the associated potential for racking foundations erosion / damage and operation and maintenance (O&M) access to the roadside swale. The Town has requested that this Waiver of Site Plan Review Application be submitted to facilitate discussion of these concerns and approval for the adjustments to the site plan.

Careful consideration has been given to the Town concerns noted above. The roadside swale was specifically designed with a 4' bottom width and a location centered between racking foundations such that the foundations are located at or outside of the swale top of slope (outside of the swale sideslopes). Rotterdam Renewables, LLC is agreeable to keeping the foundations completely out of the swale regardless of any further adjustments that may occur during the course of construction. This is anticipated to minimize velocities and erosion potential in the swale and sufficiently protect the racking foundations. Stormwater features have also been adjusted to accommodate impervious panel area spanning over the swale. Finally, because this is proposed to be a tracker array, the rows could be rotated on their torque tubes to selected angle(s) to provide sufficient roadside swale maintenance access from either side and/or underneath of the rows. Rotterdam Renewables, LLC agrees that this is sufficient for O&M access to the roadside swale.

It should be noted that the previously approved use remains, all changes are within the footprint of the previously approved project area, and all engineering details have been updated to accommodate and are being verified with the Town.

Rotterdam Renewables, LLC appreciates your prompt attention to this application in anticipation of construction kickoff in late Spring 2024.

Twelve (12) copies of all relevant documents are included for your review. Please confirm receipt and placement of the project on the May 7, 2024 Planning Commission Meeting Agenda. We look forward to further discussion. Should you have any further questions or comments, please do not hesitate to contact me at (518) 828-2700 extension 1138. Thank you for your time.

Very truly yours,
Crawford & Associates
Engineering & Land Surveying, PC



Christopher J. Knox, PE
Project Manager II



Operations and Maintenance Plan

Rotterdam Renewables

April, 2024



Submitted by:

Ryan McCune – VP, Business Development

O&M Services Contact:

wthompson@nexamp.com

978-653-4448

101 Summer Street, 2nd Floor

Boston, MA 02110

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Overview

As an owner-operator of solar systems nationwide, Nexamp has cultivated an in-house operations and maintenance team on par with the best in the industry. Nexamp's veteran team of power and solar professionals understands what it takes to manage, maintain and deliver ongoing performance and reliability from our solar plants. We provide full spectrum operations and maintenance services for our own, as well as third party systems.

Our team actively monitors and provides preventative, corrective, and condition-based maintenance for over Hundreds of MWs at commercial, residential and government owned plants in NY and across the Country. This wide range of managed assets gives our team unprecedented knowledge that helps us keep facilities on-line and delivering clean, renewable energy to our customers consistently, with little downtime.

Our integrated O&M team should give the Town of Rotterdam the confidence it needs to know that the 5 MW facility we're seeking to permit in the Town of Rotterdam will remain operational, and not prove to be a burden on the Town or its residence at any point during the facilities operation.

This Operations and Maintenance plan serves as an outline for the maintenance services and schedules that will be employed at the project site, either by Rotterdam Renewables, LLC's staff, or by its Contracted Operations Manager. This plan will be filed with the Town codes office for reference and use during inspections.

The project owner and operator; Rotterdam Renewables shall be known as the Project Company herein. Nexamp Inc is the sole owner and operator of Rotterdam Renewables, LLC and Nexamp Asset Management Services, the project's Asset Operations Manager. Should ownership of the facility change at any time to an entity not controlled by Nexamp, Inc or its affiliates, a new Operations and Maintenance Plan shall be filed with the Town. The Project Company's will be held responsible to adherence of this plan, and shall notify the Town if changes are made to the plan within 30 days of modification.

Site Description and Access

Rotterdam Renewables, LLC (Project Company) is a 5MWac Community Solar Facility located at 1827 Putnam Road in the Town of Rotterdam, owned by Darwin B and Elanor K Brudos. The parcel is .5 Miles West of the intersection between Route 159 and Putnam Road.

The site includes a solar array, mounted using Single-Axis trackers occupying approximately 22 acres on $\pm$ 132 acres of the parcel. The system is accessed via an access road, owned by Rotterdam Renewables, LLC, and is encompassed by an 8ft tall farm fence for security and wildlife management. The system includes centrally located inverters, and no energy storage facilities.

The Project Company is responsible for the entire leased area of the facility, including all easement areas and storm water control maintenance and improvements. The facility will be actively monitored 7 days a week, 365 days a year.

Access to the site will be through keyed entry and Knox boxes that will be located at the facility entrance, and the entrance of the facility directly to the north for emergency response purposes. Site access for vendors and/or Town inspection officials will be coordinated by Nexamp Asset Management Services.

Stakeholders and Responsibilities

	Role	Contact Information
Rotterdam Renewables, LLC	System Owner (Project Company)	Attn: Rotterdam Renewables, LLC 101 Summer St, Flr 2 Boston, MA 02110 Phone: 617.431.1440 Email: Legal@Nexamp.com
Nexamp Asset Management Services	System Operations Manager	Attn: Rotterdam Renewables, LLC Attn: Skip Provost 101 Summer St, Flr 2 Boston, MA 02110 Phone: 978.910.1503 Email: sprovest@nexamp.com
Town of Rotterdam – Town Board	Town Code Enforcement and Site Inspection	Code Enforcement Officer Rotterdam Town Hall 1100 Sunrise Blvd Rotterdam, NY 12306 Phone: 518-355-7575
NYS DOT Region 1	Curb Cut Administrator	NYS DOT, Region 1530 Jefferson Road Rochester, NY 14623 Phone: (585) 272-3334
National Grid	Utility Operator	Distributed Generation Office 300 Erie Boulevard West, Syracuse, NY, 13202 Phone: 1-800-642-4272

Services & Schedule

As one of the largest operators of Solar Farm facilities in New York State, Nexamp manages O&M activities on dozens of facilities across the state. The Project Company's has prepared a standard annual service schedule as well as site-specific service items pertaining to the nuances of the Project site.

The Project Company's annual service schedules are intended to identify needs to preventative maintenance, and ensure our plants are physically and fiscally productive for 25 years or more. All facilities owned and/or managed by The Project Company's are subject to the following annual maintenance schedule.

- Visually inspect all feeder terminations for corrosion.
 - Visually check power terminations/connections including DC combiner boxes, DC and AC disconnects, inverters and PV modules and re-torque as necessary.
 - Test ground continuity and correct any unsafe or abnormal issues.
 - Check all fuses in inverters, combiner boxes, and disconnects (AC&DC).
 - Test and record voltage and amperage of the arrays at the string level and provide data values in summary report.
 - Inspect combiner boxes, disconnects (AC&DC), and inverters with an infrared camera to detect damage, hotspots, loose connections, etc.
 - Check mechanical and structural integrity of the system.
 - Inspect and clean inverter heat sinks and replace inverter air filters where applicable as necessary.
 - Check and replace unserviceable or missing system labeling as necessary.
 - Remove accumulated trash and debris. Check arrays for shading, including such shading caused by vegetation.
 - Check modules for excessive dirt and debris.
 - Module washing in accordance with manufacturer requirements
 - Warranty and spare parts management
 - Third party commissioning and performance testing
 - Aerial infrared inspections, photography and analysis
 - Provide documentation to include summary report of findings including actions taken and recommendations for additional maintenance or repairs.
-
- Respond to alarms, alerts, and service requests pertaining to the Facility within 24 hours of such alarm, alert, or service request, as personnel safety and weather conditions permit.

- *Please note this does not pertain to emergency services, which are to be notified immediately in the case of an emergency. An emergency contact sign and knox box is located at both the entrance of the facility, and the entrance of Rotterdam Renewables, LLC, the facility to the north.*
- Provide all warranty, spare parts and other repair or maintenance related activities on a time and materials basis.

Site storm water controls maintenance and improvements – Quarterly or As Needed

As needed activities include following Town of landowner notification, or following significant weather events that merit site inspection for equipment of stormwater control damage. Maintenance of stormwater control features to be in accordance with NYDEC Maintenance Guidance published March 31st, 2017.

- Swale Management and Maintenance
 - Swales will be inspected during every vegetation management visit, and quarterly by The Project Company's Operation Management employees or contractors.
 - Mowing of swales will occur quarterly, or on an as needed basis. Vegetation in swales shall not exceed 16 inches in height.
 - Eroded swale boundaries or areas where sediment has accumulated as to render the swale ineffective will be repaired within 30-days of report or observation.
 - Special attention will be paid to any swales existing underneath installed arrays to ensure integrity and functionality.
- Siltation and Stormwater Storage Area Management & Maintenance
 - Features will be inspected during every vegetation management visit, and quarterly by Operations and Management employees.
 - Eroded Feature boundaries or areas where sediment has accumulated as to render the garden ineffective will be repaired within 30-days of report or observation.
- Erosion Prevention and Soil Stabilization
 - The facility will be seeded prior to construction start, and immediately following the conclusion of construction. If during the following growing season, areas of bare earth are identified they will be seeded and stabilized within 30 days of identification or report.
 - Should areas of erosion occur between panel rows, or in areas of frequent runoff exposure, fissures will be filled, seeded and stabilized within 30 days of identification or report.
- Drain and Outlet Management and Maintenance

- Drains, outlets and other sections of pipe such as culverts or yard drains will be routinely inspected and cleared of any vegetation or debris that could inhibit functionality.
- In areas where drains occur on land with higher than 5% slopes, stone will be routinely applied to drain outlets when areas of bare soil are present.
- Inspections and Maintenance
 - Inspection of the stormwater management system, including installed vegetated features will take place throughout the growing season.
 - Inspectors shall follow documentation and remediation protocols as outlined in NYSDEC Stormwater Management Design Manual inspection sheets included as an exhibit to this agreement.

Access Management and Repair – Quarterly or as needed

As needed activities include following Town or landowner notification, or following significant weather events that merit site inspection for road damage.

- Road inspections will occur with every visit by Operations personnel, or third-party vendors.
- The access road, will be always kept in physical condition conducive to access by large scale emergency vehicles. This includes maintenance of the road located within Rotterdam Renewables, LLC to the North throughout and following construction. Such repairs include, but are not limited to;
 - Repairs to road-edge erosion
 - Maintenance of positive drainage throughout the system lifetime
 - Resurfacing where necessary
 - Prevention of sediment buildup
- Areas of erosion or wear that effect the consistency of the road surface or areas of ingress and egress to Putnam Road that occur will be repaired within 30-days of identification or report.
- Full-scale Road resurfacing will be conducted as necessary, as indicated by annual reporting and inspection.
- Vegetation management of the road surface will occur quarterly or as needed, manual removal of vegetation or herbicide use will be applied in areas not conducive to grazing or machine removal, or in circumstances where invasive species have been observed and need to be controlled via chemical means. All herbicide use will be done in accordance with DEC and EPA best practices. Use of herbicides will be proposed to the Town prior to application for approval and comment.
- Broken equipment will be removed from the property as soon as mechanically possible in case of replacement. When broken equipment

must remain on site, it shall not stay on the property for more than six months, and shall not be stored in such a manner as to produce any risks for contamination of soils and groundwater.

Vegetation Management – Quarterly or As Needed

As needed activities include following Town or landowner notification, or visual evidence from on-site cameras indicating vegetation has exceeded its recommended height of no more than 3' in height.

Vegetation Management activities will be flexibly scheduled and performed to adjust for growth conditions. For the first three years, visits to the site will occur no less than 5-6 times during the Spring and summer months. After the first three years, landscaping maintenance will reduce to no less than 3-4 visits during the spring and summer months depending on vegetation growth. Inspection and maintenance of screening features shall take place by a licensed arborist.

- Ground-Level Vegetation
 - Ground level vegetation management will commence following the commercial operation date
 - Ground cover will be left for 3-6 months of its first growing season to promote root growth and coverage. During this time, areas of stunted growth will be supplemented with further seeding and stabilization.
 - Ground-level vegetation management will be achieved using manual machine-operation by vendors, or through grazing operations managed by The Project Company's partners. Grazing may be considered following the first full growing season on the property, should a viable shepherd or grazing partner be interested in a long-term agreement.
 - Herbicide Use will be considered on the site, on a species-by-species basis. While, due to the uncertainty as to what species are being targeted, Rotterdam Renewables, LLC cannot commit to specific chemistries at this time, it does commit to all utilized herbicides being EPA and NYSDEC compliant in their chemistry and application. Use of herbicides will be proposed to the Town prior to application for approval and comment.
- Screening Management and Replacement
 - Inspection of screening will occur at every site visit by Operations staff or Maintenance vendors.
 - Vegetative screening will be maintained throughout the life of the project. Pest-resistant species have been utilized, and physical protection of vegetation will be installed when necessary.

- Should vegetation show consistent signs of disease, drought or malnourishment following 3 months of identification and maintenance, plantings will be replaced at the earliest viable time, adjusting for soil saturation and seasonality.

Plowing and Snow Removal – Seasonally or As Needed

As needed activities include following Town of landowner notification, or following significant weather events that merit site inspection or inhibit safe passage to the facility.

- The access road, through the inverters, will be always kept in conditions conducive to access by large scale emergency vehicles.

Reporting Procedures

Should Town officials, residents or representatives find the Project Company's management of the facility unsatisfactory, the Project Company requests standardized notification of the conditions present, and a 30-day window to remedy the conditions to the Town's standards. The Project Company proposes execution of items on an as needed, or as requested basis in addition to its scheduled maintenance procedures.

Should this plan change in any material way, including the addition of new activities or the cessation of activities listed, the project company must notify the Town of proposed changes.

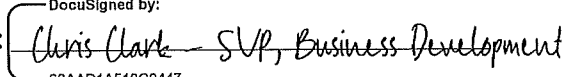
Notifications shall be delivered digitally and in writing to all the following locations;

Nexamp Inc	Attn: Rotterdam Renewables 101 Summer St, Flr 2 Boston, MA 02110 Phone: 617.431.1440 Email: Legal@Nexamp.com
Nexamp Asset Management Services	Attn: Rotterdam Renewables Attn: Skip Provost 101 Summer St, Flr 2 Boston, MA 02110 Phone: 978.910.1503 Email: sprovest@nexamp.com
Town of Rotterdam – Planning and Zoning Commission	Rotterdam Town Hall 1100 Sunrise Blvd Rotterdam, NY 12306 Phone: 518-355-7575

All Notifications and Maintenance requests should be accompanied by descriptions of conditions and locations, photo documentation of items of concern, name, title, company, and contact information for the filing party, as well as the date and time of both observation and filing.

Rotterdam Renewables, LLC, as the owner and operator of the solar facility, hereby agrees to adhere to the included Operations and Maintenance Plan for the duration of the systems operation.

Rotterdam Renewables, LLC

By: DocuSigned by:
 60AAD1A510C9447...

Name: Chris Clark - SVP, Business Development

Title: SVP

Date: 4/26/2024

Company Contacts

Nexamp Inc (Project Company Owner)	Attn: Rotterdam Renewables, LLC 101 Summer St, Flr 2 Boston, MA 02110 Phone: 617.431.1440 Email: Legal@Nexamp.com
Nexamp Asset Management Services	Attn: Rotterdam Renewables Attn: Skip Provost 101 Summer St, Flr 2 Boston, MA 02110 Phone: 978.910.1503 Email: sprovest@nexamp.com

CHANGE LOG

Peter Comenzo

From: Christopher Knox <cknox@crawfordandassociates.com>
Sent: Thursday, March 21, 2024 4:16 PM
To: Peter Comenzo; Daniel Farnan; Mary Barrie
Cc: Lisa Gallo
Subject: RE: 5 Acre Waiver - Nexamp Rotterdam Renewables

Good Afternoon,

Dan, here are quick responses to your two questions:

1. The applicant has been in coordination with the racking vendor on the exact materials available at this time and their capabilities. The southern ends of rows in the northern array section are now proposed to span over top of the roadside swale in order to reduce / eliminate racking elevation limitations at the north end of these rows. The design has been refined to a 1P tracker system, which should also have the aesthetic and O&M benefit of minimizing overall system height.
2. The applicant is agreeable to keeping the foundations completely out of the swale.

Peter, understood regarding your concern. Adjustment to racking is very common on solar projects due to materials and their availability changing with the fast, ever evolving / improving nature of the solar industry. There may be further minor racking / associated grading adjustments as things move to / through construction, as Dan alluded to in his questions. We are sensitive to Town regulations and the environment, so we have / will be making design refinements on stormwater, erosion and sediment control, etc. to appropriately account for any changes. We would gladly coordinate with Dan as requested to ensure that all of the fine engineering details are satisfactory to the Town. Since the approved use remains, all changes are / would be within the footprint of the approved project area, and fine engineering details would be verified with Dan as requested, we would consider such minor changes not to be a substantial modification to the site plan and we anticipate that no further site plan review would be required.

Please review and let me know your thoughts.

Thank you!

Christopher J. Knox, PE
Project Manager II

Crawford & Associates Engineering & Land Surveying, P.C.

Engineering Consultants, Land Surveyors, Environmental Scientists, Planners

1 Hudson City Centre, Suite 300

Hudson, New York 12534

Office: (518) 828-2700 ext. 1138

Fax: (518) 828-2723

Cell: (518) 610-2688

E-Mail: cknox@crawfordandassociates.com

www.crawfordandassociates.com



Please consider the environment before printing this email

From: Peter Comenzo <pcomenzo@rotterdamny.org>

Sent: Tuesday, March 5, 2024 3:02 PM

To: Daniel Farnan <Daniel.Farnan@collierseng.com>; Christopher Knox <cknox@crawfordandassociates.com>; Mary Barrie <MBarrie@rotterdamny.org>

Cc: Lisa Gallo <lgallo@rotterdamny.org>

Subject: RE: 5 Acre Waiver - Nexamp Rotterdam Renewables

Dan/Chris:

Any changes to the approved site plan will require review and approval by the Planning Commission.

Placing panels over a drainage swale with a sizable pitch doesn't sound like a good idea.

Thanks

Peter

Peter Comenzo - Senior Planner

Town of Rotterdam

1100 Sunrise Boulevard

Rotterdam, NY 12306

Phone # 518-355-7575 Extension 338

Fax # 518-355-2725

e-mail: pcomenzo@rotterdamny.org

town website: www.rotterdamny.org

From: Daniel Farnan <Daniel.Farnan@collierseng.com>

Sent: Tuesday, March 5, 2024 1:56 PM

To: Christopher Knox <cknox@crawfordandassociates.com>; Mary Barrie <MBarrie@rotterdamny.org>

Cc: Peter Comenzo <pcomenzo@rotterdamny.org>; Lisa Gallo <lgallo@rotterdamny.org>

Subject: RE: 5 Acre Waiver - Nexamp Rotterdam Renewables

Chris,

I just called your office but was unable to get a hold of you. I've briefly discussed your response with the Town and would like you to document the following for us. A response to this email is sufficient.

1. Please explain the reason(s) why the panels cannot be located outside of the swale, leading your decision to span over the proposed swale?
2. Please confirm that construction will be monitored/inspected in a way that assures panel foundations stay out of the bottom of the swale in the event of a field change or panel adjustments.

Thanks,

Daniel Farnan, PE, CPESC, CPSWQ

Department Manager | Highways and Traffic Engineering

Albany, New York

Colliers Engineering & Design

daniel.farnan@collierseng.com

Direct: 518 807 6162 | Cell: 518 466 1419 | Main: 877 627 3772

colliersengineering.com | [affiliated authorized entities](#)

Memorandum

To: Peter Comenzo, Senior Planner - Town of Rotterdam
From: Daniel Farnan, PE, CPESC, CPSWQ
Date: March 4, 2024
Subject: Rotterdam Solar, LLC, - Putnam Road - 5 Acre Waiver - Review Memo 02
Project No.: CED: 21002349G - 003

Mr. Comenzo,

We have reviewed a revised request for waiver from the 5-acre land disturbance limit of the GP-0-20-001 documents issued by Crawford & Associates Engineering, PC for a 5.0 MW AC Community Solar Facility proposed to be located at Parcel number 47.00-2-19.1, 1827 Putnam Road (CR 54).

All other previous comments not noted below have been addressed. After our review and consultation with Town DPW and Planning offices, we offer the following additional comments:

1. The applicant has revised locations of proposed solar panels, and they will now be installed through a proposed swale adjacent to the internal access road. This will not be allowed. The swale would not be fully accessible for maintenance and water flows within the swale may damage panel foundations. Please revise plans so all panels are outside the swale.
2. Please change all instances of the "Department" (meaning NYSDEC) to the "Town" in the waiver application materials.

Please note, while a waiver may be granted as requested, some conditions of Planning Board Resolution PC40-2022 are still outstanding. Our office issued a memo on January 13, 2023, which stated PC40-2022 Condition # 2, 3, 4, 5, 6 & 9 have been met. Please assure conditions #1, 7, 8, 10, and 11 are met, as appropriate. We note that:

- Condition #7 still requires acceptance by Town Board.
- Condition #8 is partially met with the Acknowledgment of NOI that was obtained on February 17, 2023. However, applicant must still submit the deed covenant for post-construction maintenance.
- Condition #12 cannot be met until the project is complete.
- Condition #13 for preconstruction meeting will be satisfied after building permits are issued.

Memorandum

To: Peter Comenzo, Senior Planner - Town of Rotterdam

From: Daniel Farnan, PE, CPESC, CPSWQ

Date: November 14, 2023

Subject: Rotterdam Solar, LLC, - Putnam Road – 5 Acre Waiver

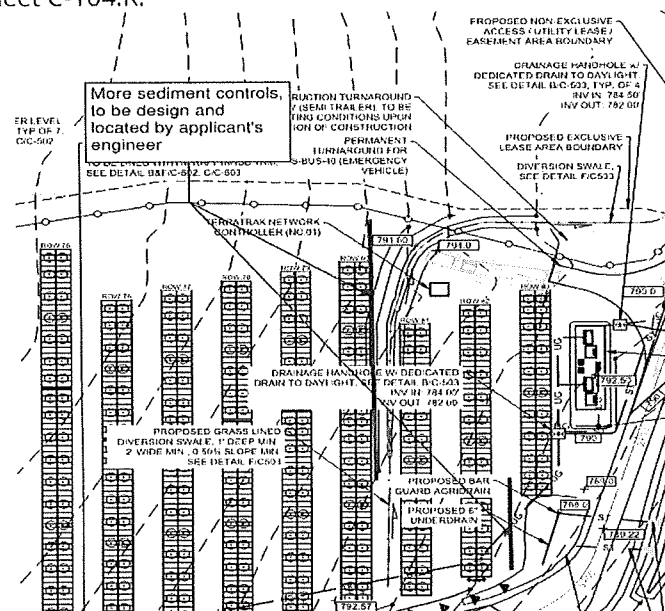
Project No.: CED: 21002349G - 003

Mr. Comenzo;

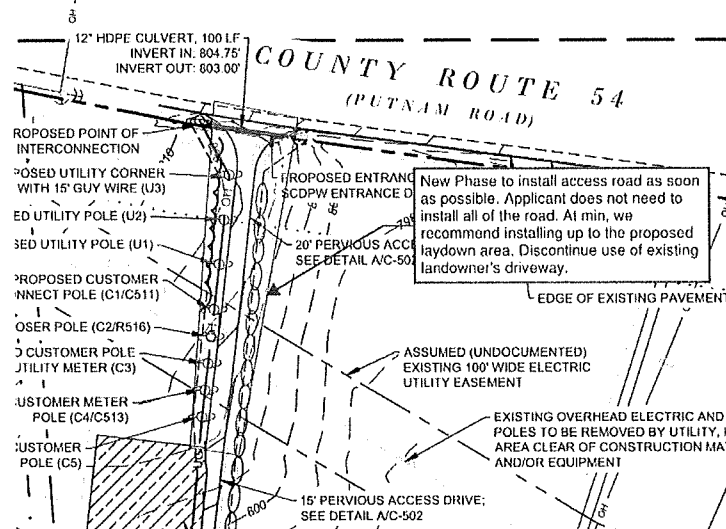
We have reviewed a request for waiver from the 5-acre land disturbance limit of the GP-0-20-001 documents issued by Crawford & Associates Engineering, PC for a 5.0 MW AC Community Solar Facility proposed to be located at Parcel number 47.00-2-19.1, 1827 Putnam Road (CR 54).

After our review we discussed preliminary comments with Christphor Knox of Crawford & Associates. Subsequent conversations were had this week with the Town's MS4 Stormwater Manager. Our office has no objection to granting a waiver so long as the following conditions are met:

1. Applicant to include more erosion and sediment controls on plans and in SWPPP. Please double all silt fence protecting wetlands. Please install silt fence or other similar practice within the chain link fence at the "bottom of hill" before the proposed bypass swale and bioretention area shown on sheet C-104.K;



2. Include notes on plans to install temporary seeding, or other appropriate erosion controls on exposed soils once feasible when the phase(s) with 20+- acres are open at one time.
3. We note that most of the site will be opened during spring thaw. More aggressive erosion and sediment controls may be required during spring. Contractor to be prepared to install practices wherever they may be warranted, even if not indicated on current plan sets.
4. Please include a phase of construction that will install the proposed access road as soon as possible. This new phase is intended to discontinue use of the existing landowner's driveway. The applicant may end the new phase road construction at their laydown area.



5. Provide all qualifications (i.e. 4-hour training, certifications if any, licenses if any) for SWPPP "Qualified Inspectors" and the contractor's "Trained Contractor" per the GP-0-20-001. We assume a Professional Engineer at Crawford & Associates will be the "Qualified Professional" as defined by GP-0-20-001. If not, please indicate who will be the Qualified Professional reviewing all SWPPP inspections.
6. Please assure delineation fencing for the wetlands is installed prior to all major work. The Town's MS4 office will verify at their next site inspection.
7. Meet all requirements of the GP-0-20-001 for greater than 5 acres of disturbance at one time.
8. Meet all additional requirements of the Town of Rotterdam's MS4 Office for the waiver.

Please note, while a waiver may be granted as requested, some conditions of Planning Board Resolution PC40-2022 are still outstanding. Our office issued a memo on January 13, 2023, which stated PC40-2022 Condition # 2, 3, 4, 5, 6 & 9 have been met. Please assure PC40-2022 Condition #1, 7, 8, 10, and 11 are met, as appropriate. We note that:

- Condition #7 still requires acceptance by Town Board.
- Condition #8 is partially met with the Acknowledgment of NOI that was obtained on February 17, 2023. However, please submit the deed covenant for post-construction maintenance.
- Condition #12 cannot be met until the project is complete.
- Condition #13 for preconstruction meeting will be satisfied after building permits are issued.

DPW Comments
May 7, 2024

2. **Primax Properties, LLC (Contract Vendee) – 2945 Hamburg Street.** Preliminary Site Plan review to construct a ±10,640 square foot Dollar General retail store on a ±2.24-acre parcel. Engineer: Bohler Engineering.
1. See response letter from Bohler Engineering dated April 24, 2024 in reply to DPW and TDE comments.
 2. Building elevation and color scheme is much improved and blends in with the surrounding area.
 3. Bollards should be installed (add to detail sheet) in parking areas abutting the building as well as added near the electrical box on the exterior of the building.
 4. Detail lighting fixtures and poles. Pole lighting height should be reduced and may need additional poles and shielding for adjoining residential apartments to the north. LED lighting should have a lower kelvin rating in the 3000 to 4000 range.
 5. Building mounted lights should be lowered and eliminated where possible.
 6. Proposed internally lit sign should be replaced with signage that is illuminated from building mounted fixtures such as goose neck or other similar types of illumination to reduce glare.
 7. Detail dumpster enclosure. A similar enclosure that was utilized for the Rotterdam Junction Dollar General should be considered.
 8. Label ground cover in all locations. Planning Commission prefers grass.
 9. Applicant should consider eliminating shrub planting areas along Hamburg Street and replace with additional flowering trees such as dogwood. Planting beds are more difficult to maintain.
 10. Applicant should consider eliminating split rail fencing around stormwater basin. Based upon percolation rates it is highly unlikely that these basins will retain water for any length of time.
 11. Applicant should consider installing decorative fencing and brick pilasters every 8-10 feet along Hamburg Street.
 12. Proposed 6' stockade fence along northern property line should be replaced with either white or gray vinyl.
 13. Cover Sheet index should be amended (C-803 should be labeled C-802).

DPW Comments from February 20, 2024

1. Applicant should provide a traffic and site distance analysis for impacts to the existing roadway system.
2. Applicant should provide building elevations for Planning Commission review.
3. Building shall be required to connect to the existing sanitary sewer along Hamburg Street, lateral(s) have been installed to property boundary, check with DPW for specific location.
4. Applicant should use concrete pavement for the 13 parking spaces along the north side of the building.
5. Bollards should be shown and detailed.
6. The Town Designated Engineer has been retained and should begin technical review, plans to be sent to involved/interested agencies for their feedback.

DPW Comments January 23, 2024

1. What is the use and functionality of the existing 3 drywells located on the northern side of the property?
2. The secondary curb cut onto Hamburg Street is proposed to be removed.
3. Applicant should provide a pedestrian crossing across Hamburg Street in the vicinity of the Valentine Meadows development located on the east side of Hamburg Street. Additionally, the proposed concrete entryway sidewalk should be extended the length of the building frontage and a connection made to existing sidewalk in the vicinity of the new pedestrian crossing.
4. A 3' high metal ornamental fence with brick piers every 6' should be considered for the frontage along Hamburg Street.
5. Dumpster enclosure should be changed from stockade fence to composite material similar to the recently constructed enclosure at the Dollar General in Rotterdam Junction.
6. The Planning Commission should authorize the Chairman to execute an agreement to retain the services of a Town Designated Engineer (TDE) to assist in the review of this project.
7. Adjoining building located at 2933 Hamburg Street is close to the property line and contains several apartments. Lighting plan should take this into consideration.
8. Soils should be very porous in this area and the lot appears to be large enough to utilize surface stormwater retention. The design should incorporate ground cover and materials that will be easy to maintain.
9. Town code call for 54 parking spaces. The applicant is requesting a waiver to construct 33 spaces which seems reasonable and provides for additional greenspace.

SEQR Requirement: 6 NYCRR 617 Unlisted Action. Rotterdam Planning Commission declared lead agency on January 23, 2024. Application materials circulated to involved/interested agencies February 21, 2024.

Involved/Interested Agencies

Schenectady County Economic Development and Planning
Schenectady County Department of Health
New York State Department of Environmental Conservation – Region #4
New York State Department of Transportation – Audrey Burneson
Rotterdam Police Department
Metroplex Development Authority
Fire District #3

Peter Comenzo

From: Danielle Ciampino <dsalvatore@nycap.rr.com>
Sent: Tuesday, February 6, 2024 7:30 AM
To: Kimberly Ricker Scannell; Peter Comenzo
Subject: The Dollar General

RECEIVED

FEB 06 2024

TOWN OF ROTTERDAM
PUBLIC WORKS

Good morning,

I wanted to formally send my thoughts on the Dollar General being put on Hamburg Street. There will be more to come, but for now I just wanted this email on record.

I will be presenting the Planning Commission with a Petition signed by all of Fasula blvd. as well as many of the small businesses on Hamburg. The site plan provided, in the prior Planning Commission's meeting minutes, does not indicate that the retail space is slated to be a Dollar General. To me, it looks like you are trying to hide that from town residents. I want to know what legal reasons can be used to justify the denial of this plan? According to the Comprehensive Plan for the Hamburg Street area, a new development should compliment the community's character (surrounding neighborhoods) and ensure it's future growth. Not only are the residents of Fasula and other surrounding neighborhoods directly affected by the Dollar General, but so are many of the small businesses on Hamburg Street, who may very likely find themselves out of business because of the Dollar General. This definitely does NOT compliment our community. Our neighborhood is already surrounded by the Quality Inn, Super 8, CDTA bus stop, and St. Peter's Addiction Recovery Center. Adding a Dollar General would just allow yet another hang out for those individuals at the four previously mentioned places. Bradt school is right there, those are our 5 to 8 years old, not to mention all the other kids around, this is both dangerous and extremely irresponsible. Our children's safety should be everyone's number one concern.

With that said, again I ask, what is a lawful reason to deny this? Has there been an economic impact study done? Has there been a traffic impact study done? If so, have they been conducted by a neutral third party? If not, there needs to be. What does the Dollar General do for our resale value, what does it do to small businesses? The Comprehensive Plan addresses left hand turns, street congestion, safety challenges for both pedestrians and for drivers. The Dollar General doesn't seem to fit the Comprehensive Plan and adds additional strain to all of that.

I understand the need for tax revenue, but that lot has been vacant for 30 plus years, what's a few more to try and find a perfect retailer for that spot. From the plan, it looks like the side of the building will be facing Hamburg Street, I assume that lot will be lit up in some way 24/7. What would be placed in front to ensure neighbors aren't bothered by that light? Who will maintain the grounds around the Dollar General to ensure it doesn't look like a pile of trash like the dollar tree on Altamont, and maintain quality standards like our small business owners do? Will a traffic light be added, it is already difficult to turn left during certain times of the day and that is the narrowest part of the street? The plan only shows one way in and the same way out, that can't be good for traffic. Will there be a high fence going around the entire property to prevent people on foot from using the back part of the lot as a thoroughfare? There are so many reasons to turn this down and only one to approve it (tax revenue). Tax money, especially from a big box store, shouldn't take precedence over the community that already lives and/or provides businesses on Hamburg, especially if those small businesses end up going under, and especially since this is a safety concern. I'm quite certain all that I outlined is more than enough to legally deny this. It was very thoughtless of the landowners to sell this lot without taking into consideration what would be done to it, especially with them being from Rotterdam themselves, don't make that same mistake.

Thank you for your time,

Danielle Ciampino

Peter Comenzo

From: Danielle Ciampino <dsalvatore@nycap.rr.com>
Sent: Wednesday, February 14, 2024 8:55 PM
To: Peter Comenzo; Kimberly Ricker Scannell
Subject: RE: The Dollar General

To follow up from my last email, I just wanted to add a few of the many articles I found about the Dollar General. Maybe they can be perused before the next meeting. In particular, I would like to draw your attention to "17 Reasons: How Dollar Store Chains Hurt Communities." Many of those 17 reasons are ones that I brought up in my previous email, property value, crime, traffic, hurting small and local businesses. Stewart's is local to New York, a great place to work, and are very generous in our community, the same goes for Golub and Gabriel's. The Garden shop and yarn barn, both sell products that can be purchased at a cheaper price at Dollar General.

I also wanted to provide you with a little background about the residents of Fasula Blvd. Former Councilman Signore's daughter lives on Fasula and is an EMT for Rotterdam EMS. Fasula was also where many members of former Supervisor Tommasone's family called home. Keith Collins and CJ Heinbach are both Carman Fire Department Commissioners. Keith is a retired Rotterdam Police Sergeant and CJ also sits on the Rotterdam emergency medical board and his wife is an officer for the Mohonasen PTO. Austin McCrum is a Police Officer. I sit on the Mohonasen School Board and volunteer for numerous other school and town organizations. My husband and at least another half dozen other fathers volunteer their time to coach Rotterdam sports. We have multiple people who live on the street who also own or rent other properties in Rotterdam that they run their small businesses out of. I could continue, but the point is, that even though we are only a community of 30 houses, I challenge you to find a street in Rotterdam that has a higher percentage of residents who are directly giving back to our town in so many different ways.

Frank Marco, a small Hamburg street business owner and the brother of our very own town clerk, signed the petition that you will soon see. Sandy Rudesheim, our Hamburg Street neighbor, who's family owned all the land our houses were built on, signed the petition.

After you read through these articles, I think it will be very clear that a Dollar General is absolutely not part of the Town's Comprehensive Plan. Dollar General Targets rural or low income communities. We are not rural, which means we are thought of by Dollar General as low income, or having the ability to attract that demographic from surrounding areas. I don't want that stigma for this side of Rotterdam. I don't want the value of my house to go down (which you will read that surrounding neighborhoods statistically see a tremendous decrease in value). I don't want my kids just steps away from a business that has the potential for high crime rate. After foiling Rotterdam crimes over the last five years, there was a laundry list of larceny and suspicious activity around the Walmart/Hannaford Plaza/Dollar Tree area. The median lane on Hamburg Street stops at Howell Street and Hamburg remains two single lanes for the rest of the way to the circle. Look at the statistical impact Dollar Generals have on Traffic (often develop land bordering on low-density residential neighborhoods, whose roads are rarely designed to accommodate the traffic volume a chain dollar store generates). Research their past issues with stormwater runoff, their OSHA violations, all the decisions to allow a Dollar General into a community that have been reversed, or denied from the beginning.

You can absolutely say "NO" to this and have hard facts and evidence to back up your decision!

Thanks again for your time,

Danielle Ciampino

<https://www.nytimes.com/2023/03/28/business/dollar-general-osh-fines.html>

<https://ilsr.org/17-problems/>

<https://www.cnn.com/2020/06/26/business/dollar-general-robberies/index.html>

<https://capitalbnews.org/dollar-stores-legal-battle/>

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Peter Comenzo <pcomenzo@rotterdamny.org>

Date: 2/6/24 9:10 AM (GMT-05:00)

To: Danielle Ciampino <dsalvatore@nycap.rr.com>, Kimberly Ricker Scannell <krscannell@rotterdamny.org>

Subject: RE: The Dollar General

Danielle:

Thank you for your comments. I will add them to the record.

Peter

Peter Comenzo - Senior Planner

Town of Rotterdam

1100 Sunrise Boulevard

Rotterdam, NY 12306

Phone # 518-355-7575 Extension 338

Fax # 518-355-2725

e-mail: pcomenzo@rotterdamny.org

town website: www.rotterdamny.org

From: Danielle Ciampino <dsalvatore@nycap.rr.com>

Sent: Tuesday, February 6, 2024 7:30 AM

To: Kimberly Ricker Scannell <krscannell@rotterdamny.org>; Peter Comenzo <pcomenzo@rotterdamny.org>

Subject: The Dollar General

Good morning,

I wanted to formally send my thoughts on the Dollar General being put on Hamburg Street. There will be more to come, but for now I just wanted this email on record.

I will be presenting the Planning Commission with a Petition signed by all of Fasula blvd. as well as many of the small businesses on Hamburg. The site plan provided, in the prior Planning Commission's meeting minutes, does not indicate that the retail space is slated to be a Dollar General. To me, it looks like you are trying to hide that from town residents. I want to know what legal reasons can be used to justify the denial of this plan? According to the Comprehensive Plan for the Hamburg Street area, a new development should compliment the community's character (surrounding neighborhoods) and ensure it's future growth. Not only are the residents of Fasula and other surrounding neighborhoods directly affected by the Dollar General, but so are many of the small businesses on Hamburg Street, who may very likely find themselves out of business because of the Dollar General. This definitely does NOT compliment our community. Our neighborhood is already surrounded by the Quality Inn, Super 8, CDTA bus stop, and St. Peter's Addiction Recovery Center. Adding a Dollar General would just allow yet another hang out for those individuals at the four previously mentioned places. Bradt school is right there, those are our 5 to 8 years old, not to mention all the other kids around, this is both dangerous and extremely irresponsible. Our children's safety should be everyone's number one concern.

With that said, again I ask, what is a lawful reason to deny this? Has there been an economic impact study done? Has there been a traffic impact study done? If so, have they been conducted by a neutral third party? If not, there needs to be. What does the Dollar General do for our resale value, what does it do to small businesses? The Comprehensive Plan addresses left hand turns, street congestion, safety challenges for both pedestrians and for drivers. The Dollar General doesn't seem to fit the Comprehensive Plan and adds additional strain to all of that.

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Thank you for your time,

Danielle Ciampino

Sent from my Verizon, Samsung Galaxy smartphone

ZONING COORDINATION REFERRAL

SCENECTADY COUNTY DEPT. OF ECONOMIC DEVELOPMENT & PLANNING

Recommendations shall be made within 30 days after receipt of a full statement of the proposed action.

For Use By SCDEDP

Received 2-27-24
Case No. 15-7-24
Returned 3-13-24

FROM: ☐ Legislative Body
☐ Zoning Board of Appeals
☒ Planning Board

Municipality:
Town of Rotterdam

TO: Schenectady County Department of Economic Development and Planning
Schaffer Heights, 107 Nott Terrace, Suite 303
Schenectady, NY 12308

(tel.) 386-2225
(fax) 382-5539
Received
Schenectady County

ACTION: ☐ Zoning Code/Law Amendment
☐ Zoning Map Amendment
☐ Subdivision Review
☒ Site Plan Review

☐ Special Permit
☐ Use Variance
☐ Area Variance
☐ Other (specify) _____

FEB 27 2024

Economic Development
and Planning Dept.

PUBLIC HEARING OR MEETING DATE: March 19, 2024

SUBJECT: Primax Properties, LLC (Contract Vendee) – 2945 Hamburg Street. Site Plan review to construct a ±10,640 square foot retail Dollar General store on a ±2.24-acre parcel. Engineer: Bohler Engineering.

REQUIRED ENCLOSURES: 1. Public hearing notice & copy of the application.
2. Map of property affected. (Including Tax Map I.D. number if available)
3. Completed environmental assessment form and all other materials required by the referring body in order to make its determination of significance pursuant to the state environmental quality review act.

1. This zoning case is forwarded to your office for review in compliance with Sections 239-l, 239-m and 239-n of Article 12-B of the General Municipal Law, New York State.
2. This material is sent to you for review and recommendation because the property affected by the proposed action is located within 500 feet of the following:
 - ☐ the boundary of any city, village or town;
 - ☐ the boundary of any existing or proposed County or State park or other recreation area;
 - ☐ the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway;
 - ☐ the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines;
 - ☐ the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated;
 - ☐ the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the agriculture and markets law. The referral requirement of this subparagraph shall not apply to the granting of area variances.

SUBMITTED BY:

Name: Peter Comenzo

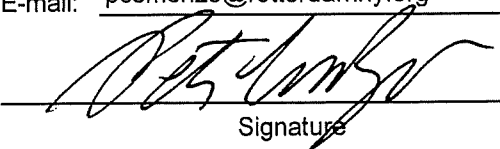
Title: Sr. Planner

Address: 1100 Sunrise Boulevard Schenectady, NY 12306

E-mail: pcomenzo@rotterdamny.org

Phone: 518-355-7575 Ext 338

Date: 2 21 24


Signature



PLANNING & ZONING COORDINATION REFERRAL

Case No. R-07-24

Applicant Primax Properties, LLC

Referring Officer Peter Comenzo

Municipality Rotterdam

Considerations: Regarding a vacant 2.24 acre parcel, requesting site plan approval to construct a 10,640 SF retail Dollar General Store with 35 parking spaces plus 19 banked spaces. Located on the east side of Hamburg Street (SR 146) approximately .3 miles north of Curry Road and across from Fasula Blvd. Municipal water and sewer is proposed.

RECOMMENDATION

Receipt of zoning referral is acknowledged on February 27, 2024. Please be advised that the undersigned Commissioner of Economic Development and Planning of the County of Schenectady (having under the Schenectady County Charter the powers and duties of a County Planning Board) has reviewed the proposed action stated on the opposite side of this form and makes the following recommendations:

☐ *Approve of the proposal.

☒ Defer to local consideration (No significant county-wide or inter-community impact)

☐ Modify/Conditionally Approve. Conditions:

☒ Advisory Note:

The applicant should provide an elevation drawing of the building including exterior lighting, signage, siding, and exterior color details, to ensure that the buildings architecture is more residential in character and less of a boxy, blank appearance with breaks in the wall plane, varying roof lines, windows, etc. Any outdoor storage/display areas should be identified. Generally, the proposed landscaping seems sparse.

☐ Disapprove. Reason:

*A recommendation of approval should not be interpreted that the County has reviewed all local concerns and/or endorses the project; rather the proposed action has met certain County considerations.

Section 239-m of the general Municipal Law requires that within 30 days after final action, the referring body shall file a report of the final action it has taken with the Schenectady County Department of Economic Development and Planning. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

3/11/24
Date

[Signature]
Ray Gillen, Commissioner
Economic Development and Planning



Department of Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

MICHAEL G. ARTHUR, P.E.
Regional Director

March 19, 2024

Mr. Peter Comenzo, Senior Planner
Town of Rotterdam
Department of Public Works
1100 Sunrise Boulevard
Rotterdam, NY 12306

RECEIVED

MAR 15 2024

TOWN OF ROTTERDAM
PUBLIC WORKS

Re: **SEQR: Ref number N/A**
Rotterdam Retail Space NY Route 146
294 Hamburg Street
Rotterdam, NY

Dear Mr. Comenzo:

The New York State Department of Transportation has reviewed the SEQR documentation received per the correspondence dated **February 12, 2024**, and offers the following:

1. The NYSDOT acknowledges the **Town of Rotterdam Planning Board** will be designated as the Lead Agency for this environmental review. NYSDOT believes we are an **Involved** agency under SEQR as the project abuts NYS Route 146.
2. The Town's 2022 Comprehensive Plan considers Route 146 a "key transportation corridor", which the proposed project is adjacent to. The Plan further identifies the Route 146 corridor as having "opportunities for infill development." The proposed project includes adding a retail store on a 2.23-acre parcel in a compact mixed-use area of the Town. We concur that the project is consistent with the Town's Comprehensive Plan and current mixed-use development pattern. The project area has sidewalks on either side of the state route.
3. In the Route 146 corridor between Curry Road and Alpine Street there is a roughly 0.6-mile gap between the two nearest crosswalks. As the southern curb cut for the parcel will be eliminated, there exists an opportunity to examine the potential for a mid-block crosswalk at this location. As there are several CDTA bus stops serving the area, a mid-block crosswalk could potentially assist in improving pedestrian safety and multimodal connectivity.

4. NYSDOT has received the site plan application, letter to NYSDOT, site plan checklist, property covenant, and SEQR application.
5. Please note that NYSDOT does not allow new development to discharge stormwater into the highway stormwater management system.
6. A NYSDOT Highway Work Permit (PERM 33-com) will be necessary for any work within the State right-of-way along Route 146.
7. In anticipation of the Highway Work Permit, a Traffic Impact Study may be required.
8. A PERM 32 NYSDOT permit application will be required for any utility work in the NYSDOT right-of-way. Please submit documentation the Town will take ownership of any proposed utilities in NYSDOT right-of-way.

If you have any questions pertaining to the Utility Permit process or requirements, please contact Matt Haggerty at Matt.Haggerty@dot.ny.gov or 518-461-3669. For questions about the Highway Work Permit process and requirements, contact Guy Tedesco, Regional Permit Engineer Gaetano.Tedesco@dot.ny.gov or 518-457-9934).

Sincerely,



Robert E. Rice Jr, P.E.
Regional Program and Planning Manager

cc: Guy Tedesco, Region 1 Traffic
Matt Haggerty, Region 1 Construction
Chad Corbett, Region 1 Schenectady County
Tanya Thorne, Region 1 Design



17 Computer Drive West
Albany, NY 12205
518.438.9900

70 Linden Oaks, Third Floor, Suite 15
Rochester, NY 14625
585.866.1000

Via Overnight Delivery

April 24, 2024

Town of Rotterdam
Planning Commission
1100 Sunrise Boulevard
Rotterdam, NY 12306

Attention: Kimberly Ricker Scannell

**Re: Response to Comments Summary
Proposed Retail Store
2945 Hamburg Street**

Dear Chairwoman Scannell and Members of the Planning Commission,

On behalf of our client, Primax Properties, LLC, we are pleased to submit this response to comments summary to the Town of Rotterdam Planning Commission for the above referenced project. This summary is in response to the various comments received in the January 23, 2024 letter from the Town of Rotterdam Department of Public Works, the February 20, 2024 letter from the Town of Rotterdam Department of Public Works, and the comments received in the March 8, 2024 from LaBella Associates. We've also incorporated the comments received at the Planning Commission Meeting. Please find the following items in support of our application:

- A. Short Environmental Assessment Form (Short EAF) dated 04/24/2024.
- B. Proposed Site Plan Documents for Primax Properties, LLC, prepared by this office, last revised 04/24/2024.
- C. Lighting Plan, prepared by USLED, dated 02/02/2024.
- D. ALTA/NSPS Land Title Survey of the Lands of Emilio & Lynn Pennacchia, prepared by Ausfeld & Waldruff Land Surveyors, LLP, last revised 11/28/2023.
- E. Stormwater Pollution Prevention Plan for Primax Properties, LLC, prepared by this office, dated 04/24/2024.
- F. NYSDOT Stage 1 DOT acceptance email correspondence, dated 04/03/2024.
- G. Building Elevations dated 03/07/2024.

Response to various comments summary in response to the DPW Comments dated January 23, 2024 as follows:

1. What is the use and functionality of the existing 3 drywells located on the northern side of the property?

The existing drywells located on the northern side of the property are proposed to remain. It appears that drainage from the adjacent property may head toward them. Onsite stormwater runoff will be directed away from the existing drywells.

2. The secondary curb cut onto Hamburg Street is proposed to be removed.

Comment acknowledged. The proposed secondary curb cut is proposed to be removed. A new sidewalk is proposed where the curb cut is being removed.

3. Applicant should provide a pedestrian crossing across Hamburg Street in the vicinity of the Valentine Meadows development located on the east side of Hamburg Street. Additionally, the proposed concrete entryway sidewalk should be extended the length of the building frontage and a connection made to existing sidewalk in the vicinity of the new pedestrian crossing.

The Site Layout Plan has been revised to show a pedestrian crosswalk on Hamburg Street, closest to the intersection with Fasula Blvd. Additionally, the sidewalk along the building frontage has been extended to connect the proposed crosswalk on Hamburg Street and the proposed building.

4. A 3' high metal ornamental fence with brick piers every 6' should be considered for the frontage along Hamburg Street.

The Site Layout Plan has been revised to show a 3' tall post and rail fence along the Hamburg Street frontage to match the adjacent stormwater fencing. Additionally, landscaping is proposed along the fence. Please refer to sheet C-301, Site Layout Plan and L-101, Landscape Plan.

5. Dumpster enclosure should be changed from stockade fence to composite material similar to the recently constructed enclosure at the Dollar General in Rotterdam Junction.

Comment acknowledged. This has been updated on sheet C-301, Site Layout Plan.

6. The Planning Commission should authorize the Chairman to execute an agreement to retain the services of a Town Designated Engineer (TDE) to assist in the review of this project.

Comment acknowledged.

7. Adjoining building located at 2933 Hamburg Street is close to the property line and contains several apartments. Lighting plan should take this into consideration.

Comment acknowledged.

8. Soils should be very porous in this area and the lot appears to be large enough to utilize surface stormwater retention. The design should incorporate ground cover and materials that will be easy to maintain.

Comment acknowledged.

9. Town code call for 54 parking spaces. The applicant is requesting a waiver to construct 33 spaces which seems reasonable and provides for additional greenspace.

Comment acknowledged.

Response to comments received in the February 20, 2024 letter from the Town of Rotterdam Department of Public Works:

1. Applicant should provide a traffic and site distance analysis for impacts to the existing roadway system.

A site distance table has been added on sheet C-301, Site Layout Plan. NYSDOT has accepted the proposed site access location and design based on traffic information provided.

2. Applicant should provide building elevations for Planning Commission review.

Comment acknowledged. The building elevations are included within this submission and have been further enhanced based on comments recommended at the last meeting.

3. Building shall be required to connect to the existing sanitary sewer along Hamburg Street, lateral(s) have been installed to property boundary, check with DPW for specific location.

The existing sanitary sewer lateral is shown the survey, along with existing inverts. The proposed sanitary sewer connection is acceptable based on initial discussions with the Town of Rotterdam DPW.

4. Applicant should use concrete pavement for the 13 parking spaces along the north side of the building.

The Site Layout Plan has been revised to show concrete pavement for the 13 parking spaces along the north side of the building.

5. Bollards should be shown and detailed.

Bollards are shown on the plan, see sheet C-301. Details are provided on sheet C-901, Construction Details Sheet.

6. The Town Designated Engineer has been retained and should begin technical review, plans to be sent to involved/interested agencies for their feedback.

Comment acknowledged.

Response to comments received in the March 8, 2024 letter from LaBella Associates:

Planning and Zoning

PZ 1-1. The proposed use of the parcel is in conformance with the permitted uses in the town code section 270-64.

Comment acknowledged.

Site Plans

SP 1-1. Applicant to provide an Existing Conditions, Demolition Plan, Erosion and Sediment Control Plan, and associated construction details for the site.

Comment acknowledged. The requested sheets are included within this submission.

SP 1-2. Applicant to provide building elevations for review, as stated in the Town comments.

Comment acknowledged. Revised building elevations are included within the submission.

SP 1-3. We recommend that the fire department review and approve the maneuvering plans. Applicant to identify the largest responding fire truck that could maneuver within the site. A Turning Movement diagram, using the Town's largest responding fire truck, to be provided for review and comment. Applicant to provide the dimensions of the truck used for the template. The diagram shall demonstrate the largest responding vehicle can enter and exit the site. Documentation of fire department approval to be provided, upon receipt.

Coordination is on-going with the Town of Rotterdam Fire Department. Approval from the Fire Department regarding the emergency truck maneuver plan will be provided once received.

SP 1-4. As stated in the Town comments and town code, 54 parking spaces are required. We agree with the Town that the provided 35 spaces is reasonable for greenspace based on the code.

Comment acknowledged.

SP 1-5. Applicant to provide clarification as to whether the building will incorporate sprinklers for fire protection.

The proposed building is not proposed to be sprinklered.

SP 1-6. Applicant to provide details for all proposed stormwater features.

Comment acknowledged. Details for all proposed stormwater features are included within the submission.

- SP 1-7. Applicant to provide details on free standing sign and confirm it meets Town Code section 270-151.

All sign permitting will be handled by the sign vendor at a later date.

- SP 1-8. Documentation from NYSDOT regarding the driveway entrances shall continue to be forwarded to the Town, upon receipt.

Please find email correspondence indicating NYSDOT Stage 1 approval.

Water Supply and Wastewater

- WW 1-1. Applicant to submit a water report that demonstrates sufficient capacity exists for the proposed development. The applicant should demonstrate compliance with Section 507 of the Fire code regarding fire flow. Please note, although compliance with Section 507 of the Fire Code may be reviewed during the building permit application (although it is strongly encouraged to occur during site plan review), the Applicant may need a site plan amendment from the Planning Board if design changes are required to meet site design changes to demonstrate conformance to Section 507 of the Fire Code.

As noted above, the building will not be sprinklered.

- WW 1-2. Water and wastewater will-serve letters that demonstrate sufficient capacity exists for the proposed development to be provided upon receipt.

The proposed water and sanitary sewer connections are acceptable based on initial discussions with the Town of Rotterdam.

- WW 1-3. A minimum 18" vertical and 10' horizontal separation shall be provided from the proposed water line from sanitary sewer. Applicant to provide a detail demonstrating the separation and waterline offsets.

Comment acknowledged.

- WW 1-4. Applicant to provide a proposed sewer connection detail for new connection to existing sewer lateral.

The proposed sewer connection detail is provided on sheet C-902, Construction Details Sheet.

- WW 1-5. Applicant to indicate location of proposed curb stop, and new lateral to main with wet tap corporation stop/saddle.

The proposed curb stop/gate valve is shown on sheet C-601, Utility Plan.

Landscaping and Lighting

- LL 1-1. Applicant to provide details for plant bed preparation.
Landscape details have been added. Please see sheet L-102.
- LL 1-2. Applicant to provide details for tree planting.
Landscape details have been added. Please see sheet L-102.
- LL 1-3. Per Town Code Section 270-53.47(H): There shall be a minimum five-foot landscaped planting strip between the sidewalk and the primary road network." Applicant to revise plans to meet his requirement.
This code reference would apply to area within the right-of-way. There was a recent improvement project along this corridor, therefore we are proposing to leave the right-of-way as is, due to these recent improvements.
- LL 1-4. Provide construction details for trees, shrubs, and perennial plantings.
Landscape details have been added. Please see sheet L-102.
- LL 1-5. Provide industry standard notes covering planting excavation (field locating plants, utilities), debris clean up, quality assurance (plant sizes, nurse sources, substitutions), lawn seeding mixes, site prep and execution, seed type & plant warranty, and replacement information.
Landscape notes have been added. Please see sheet L-102.

Traffic and Circulation

- TR 1-1. As stated in the Town comments the applicant should provide a traffic study and site distance analysis for impacts to the existing roadway system.
A sight distance table has been added on sheet C-301, Site Layout Plan. NYSDOT has accepted the proposed site access location and design based on traffic information provided.

Stormwater Pollution Prevention Plan & Erosion and Sediment Control Plans

- SW 1-1. This project entails more than one acre of disturbance and is therefore subject to provide a NYSDDEC state Pollutant Discharge elimination System (SPDES) General Permit for Stormwater Discharges from Construction activity (GP-0- 20-001).
A full SWPPP Report has been provided within this submission.
- SW 1-2. The project location is within the Town of Rotterdam MS4. An MS4 Acceptance letter will be required.
Comment acknowledged.

SW 1-3. Applicant to provide an Erosion and Sediment Control Plan within subsequent submission.

A Erosion and Sediment Control Plan is provided within the submission. Please see Sheet C-601.

SW 1-4. It appears that the site is within the Schenectady – Niskayuna Sole Source Aquifer. Applicant to confirm there is proper spacing between the infiltration basin and groundwater elevation.

Deep test pits were performed on April 22, 2024 by Bohler Engineering. Results are shown on Sheet C-401, Grading & Drainage Plan. No ground water was encountered, therefore the infiltration basin design is adequate.

SW 1-5. Applicant to demonstrate that there is proper cover for the proposed gas line going through the proposed infiltration basin towards the south of the building.

The proposed gas line has been revised to be outside the proposed infiltration basin to avoid cover issues.

SW 1-6. It does not appear that deep soil test pits nor infiltration tests were performed in support of the existing and proposed stormwater management features. The applicant shall perform deep soil test pits and infiltration tests per the NYS SMDM, for all existing and proposed stormwater management features.

Deep soil test pits and infiltration tests were performed by Bohler Engineering on April 22, 2024. Test pit and infiltration results are shown on the Grading & Drainage Plan, sheet C-401. The infiltration test results indicate 24" per hour, however the infiltration basins have been designed to 7.5" per hour conservatively.

State Environmental Quality Review (SEQR)

SQ 1-1. Applicant to revise the response to Question 2 to include NYSDEC for a SPDES Permit.

Comment acknowledged, the response to Question 2 has been revised accordingly.

SQ 1-2. Applicant to revise response to Question 5 to "Yes," that this is a permitted use under the zoning regulations.

Comment acknowledged, the response has been revised accordingly.

Conclusions and Recommendations

Based upon our review of the material submitted, the applicant should revise the plans and reports to address our comments as well as addressing all comments from the Town.

BOHLER //

Town of Rotterdam
1100 Sunrise Boulevard
Rotterdam, NY 12306

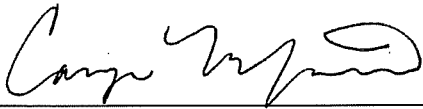
April 24, 2024
Page 8 of 8

Comment acknowledged.

Should you have any questions or any additional needs please do not hesitate to contact us at (518) 438-9900.

Sincerely,

BOHLER

A handwritten signature in black ink, appearing to read 'Caryn Młodzianowski', written over a horizontal line.

Caryn Młodzianowski

DPW Comments
May 7, 2024

3. **Hungry Hill Ventures, LLC –Consalus Avenue & Wedgewood Heights.** Sketch Site Plan/Special Use Permit review for a ±12,000 square foot building with two (2) tenant spaces on newly created ±2.28-acre parcel and storage of construction equipment on newly created ±2.46-acre parcel. Engineer: ABD Engineers, LLC.
1. Property was previously utilized by Advantage Disposal for equipment and dumpster storage.
 2. A consolidation subdivision will be processed simultaneously with this project to consolidate the existing 5 parcels into two lots. Lot 1 = ±2.46 acres and Lot 2 = ±2.28 acres.
 3. Portions of this property were previously utilized as the Town of Rotterdam brush dump. Engineer to confirm limits of fill and avoidance of these areas with any proposed structures.
 4. The Planning Commission should authorize the Chairman to enter into an agreement to retain a TDE to assist in the review of this project.

SEQR Requirement: 6 NYCRR 617 Unlisted Action. Rotterdam Planning Commission should declare Lead Agency.

Involved/Interested Agencies

Schenectady County Economic Development and Planning
Schenectady County Department of Health
New York State Department of Environmental Conservation – Region #4
Rotterdam Highway Department
Rotterdam Police Department
Metroplex Development Authority
Fire District #2

**All requested information shall be provided and must be filled out in ink or typed
for photocopying purposes**

PART III

SPECIAL USE PERMIT/SITE PLAN APPLICATION General Information

Legal Owner's Name: Hungry Hill Ventures, LLC (Michael Floccuzio)

Mailing Address: 250 Suits Road

City: Duanesburg State: NY Zip: 12053

Daytime Phone: 518-813-1864 E-mail: floccuzio88@gmail.com

If applicant is not the owner, include the written owner authorization form below (See Part IV) designating the contact to serve as representative.

Owner's Designated Contact: Joseph J. Bianchine, P.E., ABD Engineers & Surveyors, LLP

Mailing Address: 411 Union Street

City: Schenectady State: NY Zip: 12305

Daytime Phone: 518-377-0315 E-mail: joe@abdeng.com

Project/Proposal Site Area (Acres or sq. ft.): 4.74 Ac (2.28 Ac lot 1 and 2.46 Ac Lot 2)

Assessor Tax Parcel No.(s) of Proposal Site: 59.05-8-5.1, 5.3, 5.4, 16, 8.111

Adjacent Area Owned or Controlled (Acres or sq. ft.): 1± Ac

Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled: 59.05-7-13, 59.05-8-5.2

Street Address of Proposed Site (if any): 672 Consaulus Avenue (Lot 1), 1002 Wedgewood (Lot 2)

Describe Existing Use(s) on Proposed Site (Such as buildings, well, sewer drainfield and others):

Vacant Property previously used by Advantage Waste

Existing Zoning Classification: I-1

School District: Mohonsen Fire District: #2

Water Supply Rotterdam

LEGAL INFORMATION

Location of Proposal Site (General description by which direction and how far from roads and intersections and other community features):

100' east of intersection of Wedgewood Heights and Consaulus Ave

Name of public road (s) providing access: Consaulus Ave

Width of property fronting on public road: _____

Attach deed or legal description. Deed just filed (see attached descriptions)

Attach a lease agreement of the proposed site (if applicable). N/A

Purpose for the requested site plan approval (and special use permit if applicable):
Construction of a 12,000 SF Warehouse/office building associated parking, utilities, and landscaping for
two tenants for Lot 1, Storage of construction equipment for Lot 2.

Is the proposed use to be temporary or permanent? If temporary, please explain:

Permanent - Lot 1, Temporary - Lot 2

Does any City officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? YES _____ NO X____. If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

FILL OUT FOR SPECIAL USE PERMIT APPROVAL ONLY (§ 270-167)

(Failure to answer all of these questions completely may result in denial of the special use permit)

- (1) Is the establishment, maintenance or operation of the special use detrimental to or an endangerment to the public health, safety, morals, convenience or general welfare? If not, please explain:

___ No, it is a light industrial zone and very similar to other uses in the area.

- (2) Is the special use injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and does it substantially diminish and impair property values within the neighborhood? If not, please explain:

___ No, it is a light industrial zone and very similar to other uses in the area.

- (3) Does the establishment of the special use impede the normal and orderly development and improvement of the surrounding property? If not, please explain:

___ No, other properties have similar uses and are already developed.

- (4) Have adequate utilities, access roads, drainage and/or necessary facilities been or are being provided? If yes, please explain:

___ Yes, all provided for on the enclosed proposed site plans.

- (5) Have adequate measures been or will be taken to provide ingress or egress as to minimize traffic congestion in the public street? If yes, please explain:

___ Yes, two access points exist and will be upgraded and paved and one is accessible by trucks

If you have any additional comments, please attach them on a separate sheet of paper.

PART IV

LEGAL OWNER SIGNATURE

(Signature of legal owner(s))

I, the undersigned, swear or affirm under penalty of perjury that the above responses are made truthfully and to the best of my knowledge.

I further swear or affirm that (I) (we) (am)(are) the owner(s) of record of the area proposed for the previously identified land use action

Name: Michael Floccuzio

Date: 4/25/24

Address: 250 Suits Road

Phone: 518-813-1864

Duanesburg, NY

Zip: 12053

Michael Floccuzio
*#1 Signature of Owner #1

4/25/24
Date

Short Environmental Assessment Form

Part 1 - Project Information

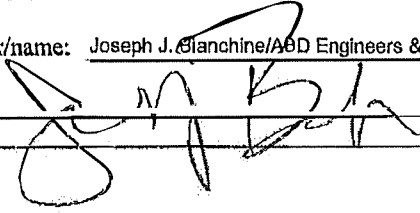
Instructions for Completing

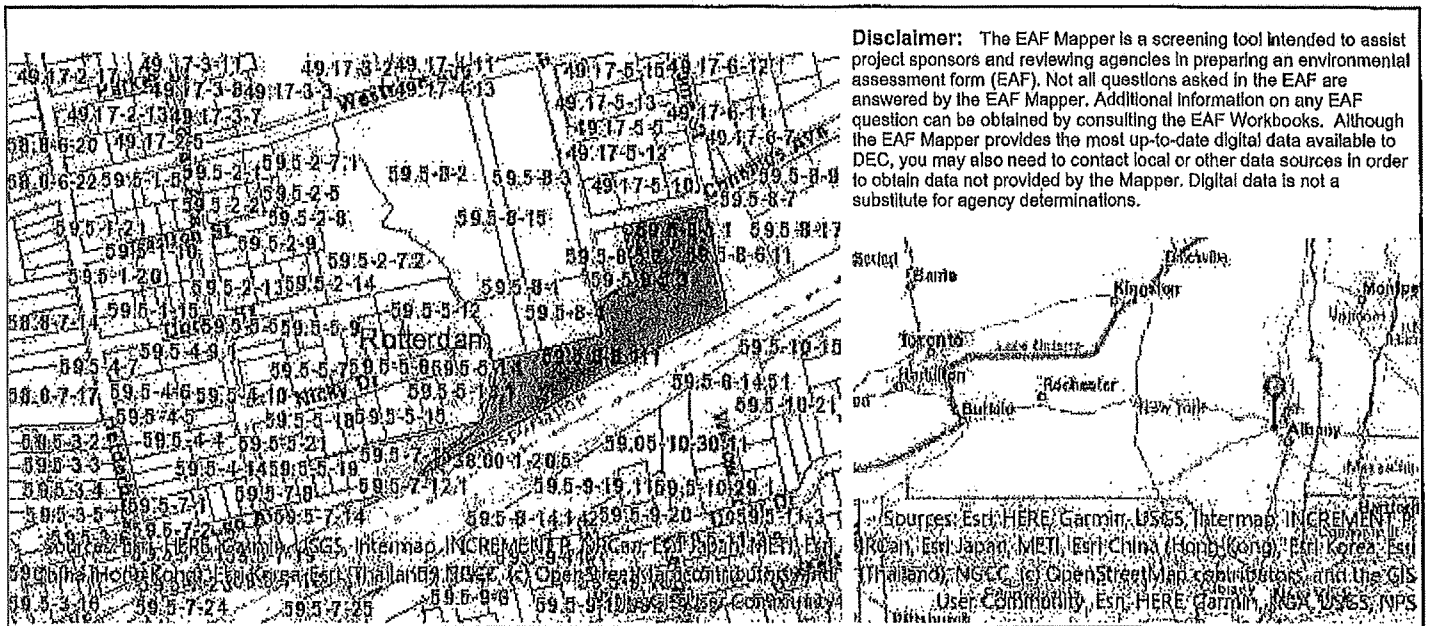
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information							
Name of Action or Project: Hungry Hill Ventures, LLC (Lot line amendments, Site Plan & Special Use Permit)							
Project Location (describe, and attach a location map): 672 Consaulus Ave and 1002 Wedgwood Heights							
Brief Description of Proposed Action: Lot combination of 5 existing lots and adjustment to 2 conforming lots. Addition of a 12,000 SF Warehouse on Lot 1 with associated grading, drainage, utilities and landscaping.							
Name of Applicant or Sponsor: Hungry Hill Ventures, LLC		Telephone: 518-813-1864 E-Mail: floccuzlo88@gmail.com					
Address: 250 Sults Rd							
City/PO: Duquesburg		State: New York	Zip Code: 12056				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td>☒</td> <td>☐</td> </tr> </table>	NO	YES	☒	☐
NO	YES						
☒	☐						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td>☒</td> <td>☐</td> </tr> </table>	NO	YES	☒	☐
NO	YES						
☒	☐						
3. a. Total acreage of the site of the proposed action?		4.74± acres					
b. Total acreage to be physically disturbed?		0.5± acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		5.3± acres					
4. Check all land uses that occur on, are adjoining or near the proposed action:							
5. ☐ Urban ☐ Rural (non-agriculture) ☒ Industrial ☒ Commercial ☐ Residential (suburban)							
☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other(Specify): Railroad							
☐ Parkland							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Septic System _____	☒	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☒	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☒	☐
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☒	☐
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ Town Brush Dump	NO	YES
	☐	☒
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	☐	☒
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Joseph J. Bianchine/ABD Engineers & Surveyors, LLP</u> Date: <u>4/26/24</u> Signature: <u></u> Title: <u>Partner</u>		



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Heritage Areas: Mohawk Valley Heritage Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	447031, V00649, 447007
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	876-98
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes

E.2.m. [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses; Minor Imps to Mohawk River - Unknown Toxicity - Recreation; Habitat/Hydrology; Aquatic Life
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.i. [Aquifer Names]	Principal Aquifer, Sole Source Aquifer Names: Schenectady-Niskayuna SSA
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d. [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No



TOWN OF ROTTERDAM
OFFICE OF THE PLANNING COMMISSION

Town of Rotterdam Boundary Line Adjustment Application

100.00 Application Fee

The purpose of this application is to allow the property owner to adjust the boundary lines of said parcels:

Tax Map Number(s) #1 59.05-8-5.1, 5.3, 5.4, 16 and #2 59.05-8-8.111
these numbers will refer to specific questions relating to each parcel

#1 Property Owner's Name: Hungry Hill Ventures, LLC (Michael Floccuzio)

Mailing Address: 250 Suits Road, Duanesburg, NY 12056

Phone Number(s) and e-mail 518-813-1864 floccuzio88@gmail.com

#2 Property Owner's Name: Hungry Hill Ventures, LLC (Michael Floccuzio)

Mailing Address: 250 Suits Rd, Duanesburg, NY 12056

Phone Number(s) and e-mail 518-813-1864 floccuzio88@gmail.com

Contractor's/Agent/Representative's Name (if Applicable) ABD Engineers & Surveyors, LLP

Address 411 Union Street, Schenectady, NY 12305

Phone Number(s) and e-mail 518-377-0315 bob@abdeng.com

Parcel Size(s) (acreage or sq. ft): #1: 95,520 SF (2.28± Ac) #2: 107,054 SF (2.46± Ac)

Location of Property(s) (911 address) #1: Proposed 6720 Salisbury Ave

#2: Proposed 1002 Wedgewood Heights

Zone Classification & Lot Size: #1: I-1 Light Industrial #2 I-1 Light Industrial

If parcel(s) is in multiple zones, indicate all zones.

Are the lots presently conforming lots? YES ☒ NO

IF NO, What lot(s) are not conforming: 59.05-8-5, 5.3, 5.4, 16, 59.05-8-8.111

Proposed lot size(s): #1: 2.28± Ac #2 2.46± Ac

Will the boundary line adjustment leave all proposed lots conforming? ☒ YES NO

IF NO, What lot(s) will not be conforming: _____

Current use of property: (What is present on this parcel today) list all structures:

#1: Vacant Small Shed

#2: Vacant Retaining Wall

Proposed use (what are you proposing to accomplish with this application): (i.e. merge/sell lot(s) build home etc.) Merge lots and build a 12,000 SF Warehouse/office on Lot 1. Lot 2 will be temporary for storage of construction equipment.

Are additional documents presented as part of this application? ☒ YES NO

* if yes, then mark all additional documents as Exhibit A, Exhibit B, etc. Site Plans

Additional data on proposed boundary line adjustment. _____

Notice is hereby given that in the event the Town of Rotterdam determines that technical assistance is needed to review the project, the reasonable and necessary expenses associated with such review shall be borne by the project applicant.

By signing the application, it is understood by the applicant that he/she must fully comply with the Town Code and obtain any required permits.

SIGNATURE OF PROPERTY OWNER PARCEL #1 Michael Hoogeweg DATE 4/25/04

SIGNATURE OF PROPERTY OWNER PARCEL #2 Michael Hoogeweg DATE 4/25/04

TOWN OF ROTTERDAM



John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org

LETTER FROM PROPERTY OWNER GRANTING AUTHORIZATION TO ACT

A COPY OF THIS LETTER MUST BE SUBMITTED FOR EACH PROPERTY OWNER INVOLVED

I, Michael Floccuzio, being duly sworn declare that I am the

(PROPERTY OWNER)

owner of the property involved in a proposed Site plan & lot line amendment application request before the Town of Rotterdam for property known as parcel number (s):

Tax Parcel Number(s): 59.05-8-5.1 / 59.05-8-5.3 / 59.05-8-5.4 / 59.05-8-8.111

I hereby grant ABD Engineers and/or their agent(s) to act on my behalf.

I further declare that all statements, answers, and information herein submitted is in all respects true and correct to the best of my knowledge and belief.

Signature (Authorized Representative):

Michael Floccuzio

Date:

4/25/24

NOTARY

STATE OF NEW YORK ss:

COUNTY OF Schenectady

SUBSCRIBED AND SWORN to before me this 25 day of April, 2024

NOTARY SEAL

[Signature]
Notary Signature

Notary Public in and for the State of New York

Residing at: 2205 Hudson St Cohoes, NY 12047

My appointment expires: 12/05/27

Dominic Privitera
Notary Public, State of New York
Qualified in Albany County
No. 01PR0017860
Commission Expires December 5, 2027

PARCEL DESCRIPTION
LANDS NOW OR FORMERLY OF
HUNGRY HILL VENTURES, LLC
LOT NO. 1
TOWN OF ROTTERDAM, SCHENECTADY COUNTY, NEW YORK

ALL THAT TRACT, PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Rotterdam, County of Schenectady and State of New York, being **Lot No. 1** as shown on a plan titled "Lot Combination & Amendment Plan lands n/f Hungry Hill Ventures, LLC, 672 Consaulus Avenue & 1002 Wedgewood Heights", dated April 26, 2024, as prepared by ABD Engineers & Surveyors LLP and being more particularly bounded and described as follows:

BEGINNING at a point in the southerly road boundary of Consaulus Avenue at its intersection with the division line between lands N/F Dominic Leone (1509/756) on the east and lands N/F Hungry Hill Ventures, LLC (back deed 2121/696) on the west; thence from said point of beginning along said division line and along the division line with other lands N/F Hungry Hill Ventures, LLC South $02^{\circ}05'00''$ East, 334.71 feet to a point in the division line between lands N/F CSX Transportation, Inc. on the south and other lands N/F Hungry Hill Ventures, LLC (back deed 2121/693) on the north; thence along said division line South $72^{\circ}46'21''$ West, 231.55 feet to a point in the division line between Lot No. 1 on the east and Lot No. 2 (both lots as shown on the above referenced map) on the west; thence along said division line North $25^{\circ}35'45''$ West, 216.81 feet to a point in the division line between other lands N/F Hungry Hill Ventures, LLC (back deed 2121/696) on the north and the second aforementioned lands N/F Hungry Hill Ventures, LLC on the south; thence along said division line and along the division line with others the following two (2) courses and distances:

- 1) North $72^{\circ}33'00''$ East, 41.48 feet to a point; thence
- 2) North $02^{\circ}05'00''$ West, 185.40 feet to a point in the aforementioned southerly road boundary of Consaulus Avenue; thence along said southerly road boundary of Consaulus Avenue North $87^{\circ}55'00''$ East, 270.00 feet to the point and place of beginning and containing 2.28 acres of land more or less.

PARCEL DESCRIPTION
LANDS NOW OR FORMERLY OF
HUNGRY HILL VENTURES, LLC
LOT NO. 2
TOWN OF ROTTERDAM, SCHENECTADY COUNTY, NEW YORK

ALL THAT TRACT, PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Rotterdam, County of Schenectady and State of New York, being **Lot No. 2** as shown on a plan titled "Lot Combination & Amendment Plan lands n/f Hungry Hill Ventures, LLC, 672 Consaulus Avenue & 1002 Wedgewood Heights", dated April 26, 2024, as prepared by ABD Engineers & Surveyors LLP and being more particularly bounded and described as follows:

BEGINNING at a point in the division line between lands N/F Capital District Mechanical, LLC (1873/738) on the west and lands N/F Hungry Hill Ventures, LLC (back deed 2121/693) on the east, said point being the southwest corner of the Wedgewood Heights road boundary terminus; thence from said point of beginning along the southerly terminus of Wedgewood Heights North 72°33'00" East, 114.08 feet to a point (said point being the southeast corner of the Wedgewood Heights road boundary terminus) and a point in the division line between Lot No. 2 on the west and Lot No. 1 (both lots as shown on the above referenced map) on the east; thence along said division line South 25°35'45" East, 216.81 feet to a point in the division line between lands N/F CSX Transportation, Inc. on the south and the first aforementioned lands N/F Hungry Hill Ventures, LLC (back deed 2121/693) on the north; thence along said division line South 72°46'21" West, 701.06 feet to a point at its intersection with the centerline of Longate Kill; thence northerly along said centerline as it winds and turns (tie course of North 23°24'03" East, 281.72 feet) to a point in the division line between Lot No. 2 on the south and the aforementioned lands of Capital District Mechanical, LLC on the north; thence along said division line and along the southerly terminus of Taunton Street the following two (2) courses and distances:

- 1) North 87°55'00" East, 359.01 feet to a point; thence
- 2) North 02°05'00" West, 97.43 feet to the point and place of beginning and containing 2.46 acres of land more or less.



1. PREPARED BY AEO ENGINEERS, LLP, FROM A FIELD SURVEY COMPLETED DECEMBER 2004 AND UPDATED SEPTEMBER 2010 AND JULY 2021.

- [illegible]

1. LOT LINE AMENDMENT, LARGES N/A ACCURATE REALTY, LLC, L1710, P. 2011, & L1715, P. 2013 PREPARED BY AND ENGINEERS & SURVEYORS, DATED JANUARY 6, 2011 AND LAST REVISED MARCH 22, 2011.

ZONING: 1 - LIGHT INDUSTRIAL		PANORAMA
LOT SIZE: 20,000 SQ. YDS.	EMPLOYEE: 10	14 SPACES
BLDG. HEIGHT: 25' MAX.	INDUSTRY: 10	26 SPACES
DIMENSIONS: 45.0' x 164.5' FRONT: 25' SIDE: 25' REAR: 25'		

LINE	DATE	DESCRIPTION	AMOUNT	BALANCE
1	1/1/01	OPENING BALANCE	100.00	100.00
2	1/15/01	SALES	50.00	150.00
3	1/20/01	PAYROLL	25.00	125.00
4	1/25/01	RENT	10.00	115.00
5	1/30/01	SALES	75.00	190.00
6	2/5/01	PAYROLL	30.00	160.00
7	2/10/01	RENT	15.00	145.00
8	2/15/01	SALES	60.00	205.00
9	2/20/01	PAYROLL	20.00	185.00
10	2/25/01	RENT	10.00	175.00
11	2/28/01	SALES	80.00	255.00
12	3/5/01	PAYROLL	25.00	230.00
13	3/10/01	RENT	12.00	218.00
14	3/15/01	SALES	90.00	308.00
15	3/20/01	PAYROLL	35.00	273.00
16	3/25/01	RENT	18.00	255.00
17	3/28/01	SALES	100.00	355.00
18	3/31/01	PAYROLL	40.00	315.00
19	4/5/01	RENT	20.00	295.00
20	4/10/01	SALES	110.00	405.00
21	4/15/01	PAYROLL	45.00	360.00
22	4/20/01	RENT	22.00	338.00
23	4/25/01	SALES	120.00	458.00
24	4/28/01	PAYROLL	50.00	408.00
25	5/5/01	RENT	25.00	383.00
26	5/10/01	SALES	130.00	513.00
27	5/15/01	PAYROLL	55.00	458.00
28	5/20/01	RENT	28.00	430.00
29	5/25/01	SALES	140.00	570.00
30	5/28/01	PAYROLL	60.00	510.00
31	5/31/01	RENT	30.00	480.00
32	6/5/01	SALES	150.00	630.00
33	6/10/01	PAYROLL	65.00	565.00
34	6/15/01	RENT	32.00	533.00
35	6/20/01	SALES	160.00	693.00
36	6/25/01	PAYROLL	70.00	623.00
37	6/28/01	RENT	35.00	588.00
38	6/30/01	SALES	170.00	758.00
39	7/5/01	PAYROLL	75.00	683.00
40	7/10/01	RENT	38.00	645.00
41	7/15/01	SALES	180.00	825.00
42	7/20/01	PAYROLL	80.00	745.00
43	7/25/01	RENT	40.00	705.00
44	7/28/01	SALES	190.00	895.00
45	7/31/01	PAYROLL	85.00	810.00
46	8/5/01	RENT	42.00	768.00
47	8/10/01	SALES	200.00	968.00
48	8/15/01	PAYROLL	90.00	878.00
49	8/20/01	RENT	45.00	833.00
50	8/25/01	SALES	210.00	1043.00
51	8/28/01	PAYROLL	95.00	948.00
52	8/31/01	RENT	48.00	900.00
53	9/5/01	SALES	220.00	1120.00
54	9/10/01	PAYROLL	100.00	1020.00
55	9/15/01	RENT	50.00	970.00
56	9/20/01	SALES	230.00	1200.00
57	9/25/01	PAYROLL	105.00	1095.00
58	9/28/01	RENT	52.00	1043.00
59	9/30/01	SALES	240.00	1283.00
60	10/5/01	PAYROLL	110.00	1173.00
61	10/10/01	RENT	55.00	1118.00
62	10/15/01	SALES	250.00	1368.00
63	10/20/01	PAYROLL	115.00	1253.00
64	10/25/01	RENT	58.00	1195.00
65	10/28/01	SALES	260.00	1455.00
66	10/31/01	PAYROLL	120.00	1335.00
67	11/5/01	RENT	60.00	1275.00
68	11/10/01	SALES	270.00	1545.00</

- [illegible]

DATE _____

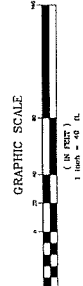
CHARMAN, ROTTENHAM PLANNING CONNECTION

672 CONSADULUS AVENUE

TOWN OF ROTTERDAM		STATE OF NEW YORK		COUNTY OF SCHENECTADY	
A B D ENGINEERS REGISTERED PROFESSIONAL SURVEYORS 441 South Street, New Schenectady, N.Y. 12305 518-337-4215 Fax 518-337-4078 www.abdsurv.com					
DATE	APRIL 26, 2024	SCALE	1" = 40'	SHEET	OF 1
			SNG.	5372A-57	

[illegible]

COVERAGE STATISTICS		LOT 1
BUILDINGS:	12,000 SF	12.1%
PAVEMENT:	34,984 SF	35.2%
GRAVEL:	40,037 SF	40.8%
GREEN SPACES:	11,079 SF	11.9%
TOTAL:	98,100 SF (2.28 ACRES)	100%



DPW Comments
May 7, 2024

4. **Burdeck Street Development, LLC – 784 & 796 Burdeck Street.** Final Two (2) Lot Subdivision and Boundary Line Adjustment Public Hearing: boundary line adjust 784 and 796 Burdeck Street and subdivide the rear portion of 784 Burdeck Street to create an additional lot with frontage on Opus Boulevard (Lot #1 Opus Boulevard = ±71,736 s.f., Lot #2 796 Burdeck Street = ±57,151 s.f., and Lot #3 784 Burdeck Street = ±23,572 s.f.). Engineer: ABD Engineers LLC.

1. Fees Due:	Final Lot Fees 160.00 X 2	\$320.00
	Parkland Fees	1000.00
	<u>Advertising:</u>	<u>\$35.20</u>
	Total	\$1,355.20

2. Property boundaries have been amended and subdivision no longer requires area variances. Reciprocal easement proof of filing shall be provided to the Town DPW.
3. Pin and cap all new lot corners prior to signature.
4. Final map for signature will need to be signed and stamped by a licensed land surveyor.
5. The final maps (with all necessary changes discussed at the Planning Commission) need to be submitted for signature and filing with Schenectady County.
6. The Planning Commission Chairman will sign up to two (2) Mylar's (One for Schenectady County and one for the applicant).
7. The signed Mylar's need to be filed with Schenectady County Clerk's office within ten (10) days.
8. After signature and filing with Schenectady County six (6) paper copies shall be returned to the Planning Commission office.

DPW Comments January 9, 2024

1. Provide contour lines and drainage analysis. A shared stormwater system is not acceptable.
2. Confirm septic location and provide setback information.
3. Variances are required for roadway frontage.

SEQR Requirement: 6 NYCRR 617 Unlisted Action. Rotterdam Planning Commission declared lead agency January 9, 2024. Materials were circulated to involved/Interested agencies January 10, 2024. A Negative Declaration prepared by Town Planner attached for consideration.

Involved/Interested Agencies

Schenectady County Economic Development and Planning
Schenectady County Department of Health
New York State Department of Environmental Conservation – Region #4
Rotterdam Highway Department
Rotterdam Police Department
Metroplex Development Authority
Fire District #6



Town of Rotterdam

Office of the Planning Commission

All requested information shall be provided and must be filled out in black ink or typed for photocopying purposes.

RECEIVED

JAN 03 2024

TOWN OF ROTTERDAM
PUBLIC WORKS

TOWN OF ROTTERDAM SUBDIVISION APPLICATION

Initial Sketch Plan \$150

Final Major Subdivision \$200 per lot

Final Minor Subdivision \$160 per lot

Parkland Fees \$1,000 per additional lot created or \$600 per unit (MULTI-FAMILY)

Advertising Fee = Actual cost of legal notices

PART II GENERAL INFORMATION

Legal Owner's Name: John Hodorowski, Sr. (Burdeck Street Development, LLC)

Mailing Address: 796 Burdeck Street

City: Schenectady State: NY Zip: 12306

Daytime Phone: 518-857-5131 E-mail: N/A

If the applicant does not own the property, prepare the endorsement at the end of this form establishing owner's authorization of the applicant's proposed subdivision of his land.

Owner's Designated Contact: Luigi A. Palleschi, P.E., ABD Engineers & Surveyors, LLP

Mailing Address: 411 Union Street

City: Schenectady State: NY Zip: 12305

Daytime Phone: 518-377-0315 E-mail: luigi@abdeng.com

If you do not hold title to property, what is your interest in it? Engineer and survey consultant

Street Address of Proposed Site (if any): 784 Burdeck Street

Project/Proposal Site Area: (Acres or sq. ft.) 2.18 acres

Assessor Tax Parcel No.(s) of Proposal Site: 47.00-8-2.5

Describe Existing Use(s) on Proposed Site: (buildings, well, sewer drainfield, etc.) _____

Existing contractor building and parking lot with access from Burdeck Street. Reciprocal easements will be proposed

with proposed Lot 2 adn 796 Burdeck Street

Existing Zoning Classification: Industrial

INCLUDE WITH PART II

SURVEYOR/ENGINEER VERIFICATION

I, the undersigned, a licensed land surveyor, and/or engineer, have completed the information requested. The legal description has been prepared by me or under my supervision in accordance with the requirements of the Town of Rotterdam regulations and the laws of the State of New York.

Luigi A. Palleschi, P.E., ABD Engineers & Surveyors, LLP
Name: _____ License No. 94676
Address: 411 Union Street, Schenectady, NY 12305
Telephone No. 518-377-0315
E-mail or Fax: luigi@abdeng.com

INCLUDE WITH PART II

LEGAL OWNER SIGNATURE

(Signature of legal owner(s) or representative(s) as authorized by legal owner)

I, the undersigned, swear or affirm under penalty of perjury that the above responses are made truthfully and to the best of my knowledge.

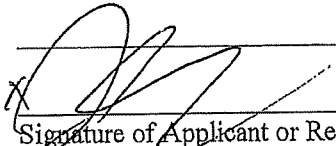
I further swear or affirm that (I)(we) (am)(are) the owner(s) of record of the area proposed for the previously identified land use action, or, if not the owner(s), attached herewith is written permission from the owner(s) authorizing my actions on his or her behalf.

#1 Name: John Hodorowski, Sr. (Burdeck Street Development, LLC) Date: _____

Address: 796 Burdeck Street, Schenectady, NY

Phone: 518-857-5131

Zip: 12306


Signature of Applicant or Representative

Date

#2 Name: Paul Hodorowski

Date: _____

Address: 796 Burdeck St.
Schenectady, NY 12306

Phone: _____

Zip: _____


Signature of Applicant or Representative

Date

TOWN OF ROTTERDAM



John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org

LETTER FROM PROPERTY OWNER GRANTING AUTHORIZATION TO ACT

A COPY OF THIS LETTER MUST BE SUBMITTED FOR EACH PROPERTY OWNER
INVOLVED

I, John Hodorowski, Sr. (Burdeck Street Development, LLC), being duly sworn declare that I am the

(PROPERTY OWNER)

owner of the property involved in a proposed subdivision application request before the
Town of Rotterdam for property known as parcel number (s):

Tax Parcel Number(s): 47.00-8-2.5

I hereby grant Luigi A. Palleschi, P.E., ABD Engineers & Surveyors, LLP
and/or their agent(s) to act on my behalf.

I further declare that all statements, answers, and information herein submitted is in all respects true and
correct to the best of my knowledge and belief.

Signature (Authorized Representative):

Date:

NOTARY

STATE OF NEW YORK ss:

COUNTY OF Schenectady

SUBSCRIBED AND SWORN to before me this 12th day of December, 2023

NOTARY SEAL

Notary Signature

Notary Public in and for the State of New York

Residing at:

My appointment expires:

LISA D. ISABELLA
Notary Public, State of New York
No. 01186198265
Qualified in Schenectady County
Commission Expires 12/15/24



SURVIVORS' NOTES:

- [illegible]

ADDITIONAL REFERENCES:

1. DEED TO WHORITT MANAGEMENT,LLC FROM WHORITT MANAGEMENT,LLC, DATED NOVEMBER 15, 2023, AND RECORDED IN THE SCHOENSTADY COUNTY CLERK'S OFFICE ON DECEMBER 21, 2023 IN BOOK 2121, PAGE 596.

KEY REFERENCES

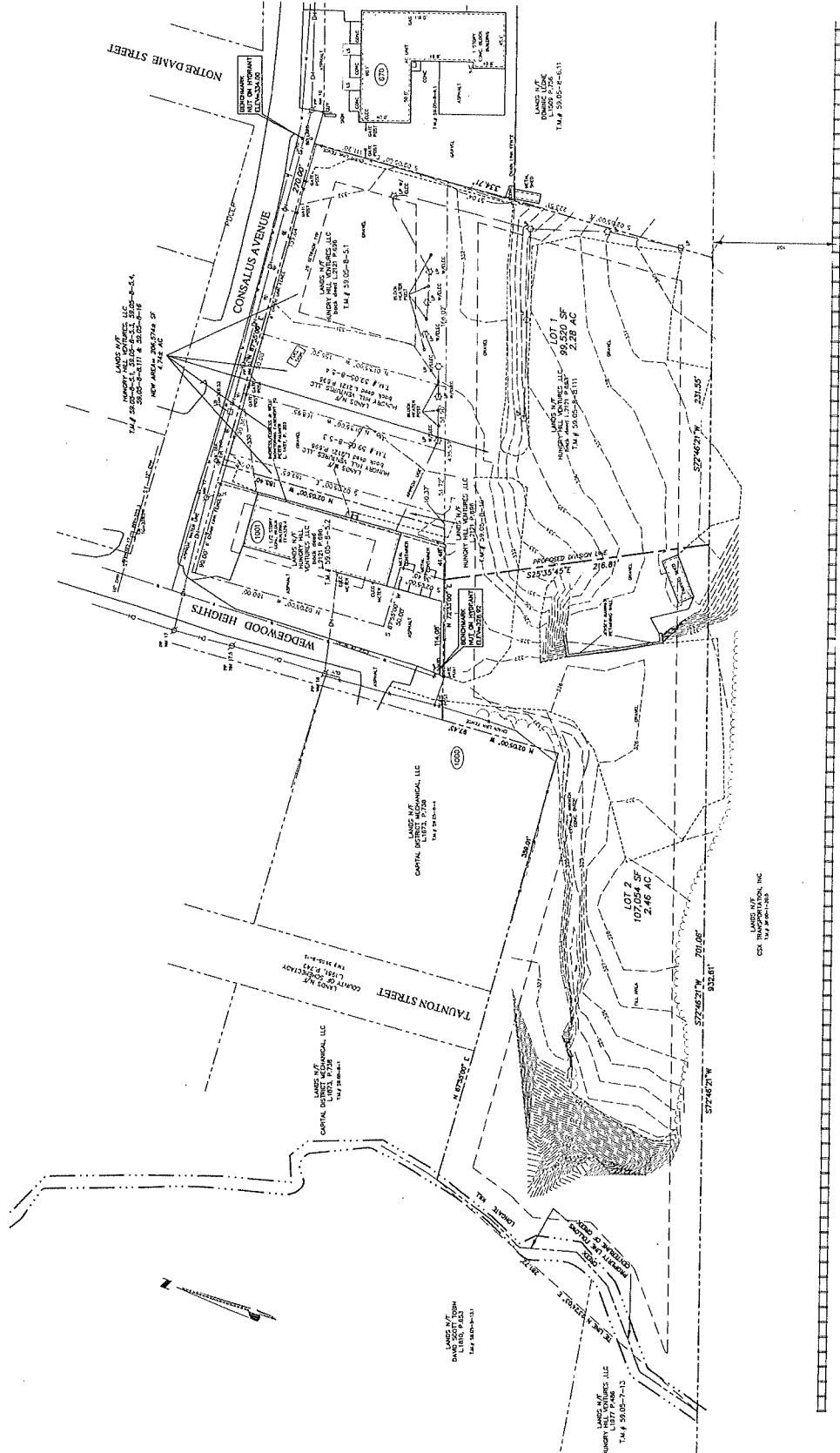
1. "JUDICIAL COUNTY GIS MAPPING."

LOT SIZE: 20,000 SF MIN.
 LOT COVERAGE: 60% MAX.
 BUILDING HEIGHT: 75' MAX
 SETBACKS:
 FRONT: 25'
 SIDE: 25'
 REAR: 25'

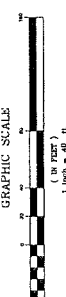
LEGEND

- OVERHEAD POWER LINE
CHAIN LINK FENCE
LOT LINE
SANITARY MANHOLE
POWER POLE
CATCH BASIN
WATER MAIN

TOWN OF ROTTERDAM



OWNER/APPLICANT:
HUNGRY HILL VENTURES, LLC
MICHAEL FLOCCUZZO
50 BLITS ROAD
JANESBURG, NY 12046



(IN FEET)

LOT COMBINATION & AMENDMENT PLAN
LANDS N/F
HUNGRY HILL VENTURES, LLC

1772 CONSALUS AVENUE & 1002 WEDGEWOOD HEIGHTS	TOWN OF ROTTERDAM	COUNTY OF SOMERSET
---	-------------------	--------------------

STATE OF NEW YORK
ENGINEERS

ABE SURVEYORS
411 Union Street
Brooklyn, N.Y. 11205
516-377-0315 Fax 516-377-0379

APR 26, 2024	SCALE: 1" = 40'	DWG. 5375F-LLA2	SHEET OF 1 1
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Dig Safely. New York.
Call 811
before you dig.

PARTNERS
LUIGI A. PALLESCHI, P.E.
JOSEPH J. BIANCHINE, P.E.
ROBERT D. DAVIS, JR., P.L.S.



ENGINEERS

SURVEYORS
411 Union Street Schenectady, N.Y. 12305
518-377-0315 Fax 518-377-0379
www.abdeng.com

DEDICATED
RESPONSIVE
PROFESSIONAL

April 25, 2024

**Re: 2 Lot Subdivision
784 Burdeck Street
Town of Rotterdam
Project #3380H**

Mr. Peter Comenzo, Town Planner
Town of Rotterdam Planning Department
1100 Sunrise Boulevard
Schenectady, NY 12306

Dear Peter,

In response to the DPW comments (*in italics*) of January 9, 2024, we respond as follows (**in bold**):

1. *Provide contour lines and provide a drainage analysis. A shared stormwater system is not acceptable.*
Contours are now provided on the map as requested.
2. *Confirm septic location and provide setback information.*
Existing septic system provided by the owner is now shown on the map.
3. *Variances are required for roadway frontage.*
No variance needed anymore as a lot line adjustment with 796 Burdeck Street is proposed.

Enclosed are twelve (12) copies of the revised subdivision plan and two (2) copies of the reciprocal agreements. Please place this project on the May 7, 2024 Planning Board agenda.

Should you have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,
ABD ENGINEERS & SURVEYORS, LLP

Luigi A. Palleschi, P.E.
Partner

LAP:clv
encl.
cc: John Hodorowski, Sr. w/encl. (via email)
MaryBeth Slevin w/encl. (via email)
3380H-04252024

Record & Return to:
Mary Elizabeth Slevin
Slevin & Associates PLLC
1826 Western Avenue
Albany, New York 12203

DECLARATION OF RECIPROCAL EASEMENT AGREEMENT

THIS DECLARATION, made this ____ day of _____, 2024 by BURDECK STREET DEVELOPMENT LLC having an address of 796 Burdeck Street, Schenectady, NY ("Grantor")

WHEREAS, Grantor is the owner of the property located in the Town of Rotterdam, County of Schenectady, State of New York, commonly known as 796 Burdeck Street and 784 Burdeck Street at the corner of Burdeck Street and Opus Boulevard, Rotterdam, New York ; in Schedule "A" attached here to this Declaration of Protective Covenants, Conditions, Restrictions, Easements, Charges and Liens (the "Declaration"), which the Sponsor intends to develop into a three commercial Lots, Parcels "1", "2" and "3", and within approximately ____ ± acres of land; and,

WHEREAS, the Grantor desires to provide for the preservation of the values and amenities in said Parcels and for the maintenance of said Parcels; and to this end, desires to subject the real property described in Schedule "B" to the covenants, conditions, restrictions, easements, charges and liens, hereinafter set forth, each and all of which is and are for the benefit of said property and each owner and/or Tenant thereof; and

WHEREAS, the Grantor has deemed it desirable, for the efficient preservation of the values and amenities in said Parcels to create an easement as described in Schedule "B"(the "Reciprocal Easement Area") and to provide for the powers of maintaining and administering the property and facilities, and administering and enforcing the covenants and restrictions and collecting and disbursing the assessments and charges hereinafter created; and

NOW, THEREFORE, the Grantor, for itself, its successors and assigns, declares that the real property described in Schedule B hereof is and shall be held, transferred, sold, conveyed and occupied, subject to this Declaration .

IN FURTHERANCE of the Purposes herein, The Grantor, **DOES HEREBY GRANT AND CREATE** for the benefit of Grantor, and its successors, assigns, grantees, invitees, tenants and other occupants of the lands of Grantor (herein "Grantees") situate in the Town of Rotterdam, County of Sshenectady, State of New York, commonly known as 796 Burdeck Street and 784 Burdeck Street, Rotterdam, New York; and does hereby reserve to itself an easement within which the Restrictions, covenants and conditions as described herein, shall be applicable and binding on the premises described as Schedule "B", for GRANTOR and its successors, assigns, grantees, invitees, tenants and other occupants of the lands of Grantee situate in the Town of Rotterdam, County of Saratoga, State of New York, commonly known as 796 Burdeck Street and 784 Burdeck Street, Rotterdam, New York; **FOREVER**, and

SUCH PERMANENT, NON-EXCLUSIVE EASEMENT over Grantor's lands

including Parcels "1", "2" and "3" situate in the Town of Rotterdam, County of Schenectady, State of New York, commonly known as 796 Burdeck Street and 784 Burdeck Street, Rotterdam, New York and partially depicted as "Ingress Egress and Utility Easement" on SCHEDULE A hereto ("Grantor's Lands"), by way of the Reciprocal Easement Area more particularly described on SCHEDULE B annexed hereto (the "Reciprocal Easement Area"), shall be established for purposes of ingress and egress and utility improvements over and on Grantor's Parcels "1", "2" and "3" all pursuant to approved municipal plans known as "2 Lot Subdivision of Lands of Burdeck Street Development LLC" prepared by ABD Engineers LLP last dated _____, 2024 and Subdivision Plat prepared by ABD Engineers LLP, and dated _____, 2024, filed with the Schenectady County Clerk on _____, 2024 as Map _____.(the "Site Plan")

SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. Nothing contained in this Declaration of Reciprocal Easement Agreement shall give (a) any Grantee, its successors, assigns, grantees, invitees, tenants and other occupants, any rights to obstruct access to Grantor's Lands in connection with their use of Grantor's Lands, or (b) Grantor, its successors, assigns, grantees, invitees, tenants and other occupants, any rights to obstruct access to any Grantee's Lands in connection with their use of Grantor's Lands. Without in any way limiting the generality of the foregoing, Grantor and the Grantees of Parcels "1", "2" and "3" agree that each party shall, at each party's own expense, (y) cause any and all snow and ice removal on their respective lands to be conducted in such a manner as to not obstruct parking on the other party's lands or access to the Reciprocal Easement Area, and (z) maintain their respective lands in such manner as to render the Reciprocal Easement Area and abutting areas in good and accessible condition.

2. Any Grantee, shall pay all expenses and costs associated with the initial development of such Grantee's property for the approved Site Plan, (the "Approved Plans") including any improvements required with respect to the easements granted and reserved herein as shall be required in order to cause the Reciprocal Easement Area to be (a) directly accessible from each Grantee's Lands and Grantor's Lands and (b) usable at all times. Ongoing maintenance and the costs thereof, for the Reciprocal Easement Areas, shall be addressed as set forth herein, or as amended from time to time, and made a part hereof. The parties shall, during the course of any construction or maintenance work within the Reciprocal Easement Area, cause to be obtained and kept in effect, builders' risk insurance with respect to said work. Each Grantee warrants that at no time shall any lien be permitted to be placed against the Grantor's Lands as a result of said work.

3. Grantor and each Grantee, their respective successors and assigns, shall each be responsible to maintain the portions of the access drive, and utility infrastructure (the "Facility") that are located on their respective Parcels "1", "2" or "3" as depicted in the Approved Plans. The components or elements of the Facility are located on the Project site within the premises described in the legal descriptions set forth on Schedule B attached to this Agreement. Any specific Facility maintenance, inspection or control measures that are described in Schedule B shall be performed and complied with by the applicable

Grantee of the Property upon which such Facility is located.

4. Grantor and each Grantee shall each maintain, clean, repair, replace and operate the Facility, all so as to ensure optimum performance of the Facility located on such Party's Parcel, to its design specifications. This shall include maintenance of the access areas, storm water control measures, plowing snow, repair potholes and other defects in the paved areas of the access drive and maintenance of the utilities when installed (unless dedicated to the municipality), landscaping including shrubs and grass cutting.

5. Grantor and each Grantee shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the Facility except in accordance with written approval of the other Party and/or any applicable governmental entity.

3. The parties hereto each agree not to make any use of their respective properties in any manner inconsistent with the others' rights pursuant to this Reciprocal Easement Agreement, and not to interfere with or interrupt the use or enjoyment of any of such rights as granted herein. The parties hereto shall comply with all applicable federal, state and local laws and regulations in exercising the rights granted hereunder.

4. Grantor does not make any representations or warranties of any kind or nature with respect to Reciprocal Easement Area except as expressly set forth herein. Without in any way limiting the generality of the foregoing, Grantor makes no representations of any kind or nature with respect to whether the Reciprocal Easement Area is, as of the date hereof, in good and usable condition or in full compliance with all laws, regulations, rules or requirements of law or regulation of the United States, the State of New York, and of any other municipality or regulatory agency with jurisdiction over the Reciprocal Easement Area, except for the approvals granted for the Approved Plans.

5. Each Grantee shall, for so long as this Declaration Grant and Easement remains in full force and effect, maintain at its own expense (and provide proof thereof to each other) commercial general liability insurance coverage of no less than \$2,000,000 per occurrence providing coverage against claims for bodily injury, death or property damage or loss occurring within the Reciprocal Easement Area; provided, that if the limits of either party's commercial general liability insurance are increased above said amount, such party's coverage with respect to the Reciprocal Easement Area shall likewise be increased by a comparable amount. Grantor and its successors, assigns and tenants, shall be named as additional insured with respect to each such policy, which policies shall, to the extent available, contain a thirty (30) day cancellation clause in favor of the other party.

6. Each Grantee shall hold harmless and indemnify Grantor from all costs, claims, damages, costs and expenses incurred by or asserted against Grantor associated with (a) such Grantee's improvements within the Reciprocal Easement Area and/or the use thereof by Grantee, its contractors or employees, and (b) such Grantee's negligence or wrongful acts, including but not limited to reasonable attorney's fees.

Each Grantee shall hold harmless and indemnify Grantor from all costs, claims,

damages, costs and expenses incurred by or asserted against Grantor associated with (a) Grantee's improvements within the Reciprocal Easement Area and/or the use thereof by Grantee, its contractors or employees, and (b) Grantee's negligence or wrongful acts, including but not limited to reasonable attorney's fees.

7. Grantor or its agents or tenants shall have the right to enforce by any proceedings at law or in equity all easements, restrictions, covenants and conditions imposed by the provisions of this Declaration and Easement. Failure of the Grantor to enforce any easement, restriction, covenant or condition herein contained shall in no event be deemed a waiver of a right to do so. Any breach by any Grantee of the restrictions, covenants and conditions imposed herein may, at the sole discretion of Grantor, allow Grantor to recover any of its reasonable costs, expenses or damages, including reasonable attorney fees, incurred as a result of, or to cure such breach by, such Grantee, its successors and assigns. In the event of any default by any party hereunder, the other parties shall have the right to exercise any rights and remedies provided at law or in equity, including injunctive relief.

8. This Declaration and Easement constitutes the sole and only agreement among the parties hereto with respect to the subject matter hereof and supersedes any prior understandings or written or oral agreements between said parties respecting the subject matter hereof and cannot be changed except by their written consent. Nothing in this Reciprocal Easement Agreement shall be construed to make the parties hereto partners or joint ventures or render either of said parties liable for the debts or obligations of the other.

9. The Exhibits and Schedule attached hereto are expressly incorporated herein by reference and shall be deemed to be a part of this Reciprocal Easement Agreement.

10. This Declaration and Reciprocal Easement Agreement shall be governed and construed under and in accordance with the laws of the State of New York without regard to such State's conflict of law principles. Any dispute arising hereunder shall be litigated in the Supreme Court, Schenectady County, New York.

11. Any notices to be given under the terms hereof shall be in writing and shall be sent to each party at their addresses as set forth above, or to such other address as a party shall designate in a writing sent to the other party in accordance with this Section, by (a) registered or certified mail, (b) Federal Express or a comparable private delivery service which provides proof of delivery, or (c) email, receipt of which is acknowledged by the recipient thereof. Such notices shall be deemed effective (if properly addressed as aforesaid) (y) two (2) days after (i) the date of mailing, in case of registered or certified mail or (ii) the date of delivery to Federal Express or a comparable private delivery service, as applicable, or (z) upon acknowledgement of receipt in case of email. Whenever a party is required or desires to send any notice or other communication to the other party under or pursuant to this Reciprocal Easement Agreement, such notice or communication shall, if sent by the party's managing agent or attorney(s), be deemed to have been sent by the party for all purposes.

12. This Declaration and Reciprocal Easement Agreement shall be recorded by the

Grantor.

13. This Declaration and Reciprocal Easement Agreement shall be binding upon the parties hereto, as well as their respective successors, assigns, grantees, tenants and other occupants of the Grantor and Grantee and their respective invitees. This Reciprocal Easement Agreement shall run with the land in perpetuity and all future grantees and conveyances are subject thereto. Nothing in this Reciprocal Easement Agreement shall be construed as creating any rights in the general public or as dedicating for public use any portion of any party's property. None of the parties are granting any easements or licenses except those expressly granted herein, and no other easements or licenses over the parties' respective properties shall be implied hereby.

14. Each party agrees to execute and deliver to the other such additional documents and instruments and to perform such additional acts as may be necessary or appropriate to effectuate, carry out and perform all of the terms, provisions and conditions of this Reciprocal Easement Agreement.

15 Severability. If one or more of the provisions of this Declaration and Reciprocal Easement Agreement are invalid, illegal or unenforceable in any respect, to the extent the invalidity or unenforceability does not destroy the basis of the bargain among the parties, it will not affect any other provision and this Reciprocal Easement Agreement and will be construed as if such invalid, illegal or unenforceable provision were omitted.

[Remainder of Page Left Blank Intentionally]

Record & Return to:
Mary Elizabeth Slevin
Slevin & Associates PLLC
1826 Western Avenue
Albany, New York 12203

IN WITNESS WHEREOF, the Grantor has duly executed this Declaration and Reciprocal Easement Agreement as of the day and year first above written.

BURDECK STREET DEVELOPMENT LLC.

By: _____
Name:
Title:

STATE OF NEW YORK)
) SS.:
COUNTY OF _____)

On the ____ day of _____, in the year 2024, before me, the undersigned, a notary public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

Short Environmental Assessment Form

Part 1 - Project Information

RECEIVED

JAN 03 2024

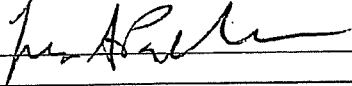
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project:			
Subdivision			
Project Location (describe, and attach a location map):			
784 Burdeck Street			
Brief Description of Proposed Action:			
To subdivide 2.18± acres into two lots. Lot 1 will remain as 784 Burdeck Street with existing building and driveway off Burdeck Street. Lot 2 will be subdivided for financing purposes. Reciprocal easements for access, water and utilities are proposed.			
Name of Applicant or Sponsor:		Telephone: 518-857-5131	
John Hodorowski, Sr. (Burdeck Street Development LLC)		E-Mail:	
Address:			
796 Burdeck Street			
City/PO:		State:	Zip Code:
Schenectady		NY	12306
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval: Town Planning Board, County Planning Board, Town Zoning Board			YES
3. a. Total acreage of the site of the proposed action?			2.18 acres
b. Total acreage to be physically disturbed?			0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			3.5 acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☒ Industrial ☒ Commercial ☒ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☒	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☒	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	☒	☐
	☐	☐
	☐	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Luigi A. Palleschl, P.E., ABD Engineers & Surveyors, LLP</u> Date: <u>January 2, 2023</u>		
Signature: <u></u> Title: <u>Professional Engineer</u>		

PRINT FORM

Project:

Burdeck Street Development

Date:

May 7, 2024

Short Environmental Assessment Form

Part 2 - Impact Assessment

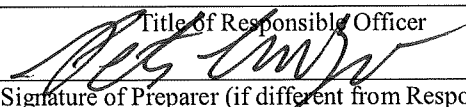
Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:	☒	☐
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Short Environmental Assessment Form ***Part 3 Determination of Significance***

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Rotterdam Planning Commission Name of Lead Agency Kimberly Ricker Scannell Print or Type Name of Responsible Officer in Lead Agency Signature of Responsible Officer in Lead Agency	May 7, 2024 Date Chairman-Planning Commission Title of Responsible Officer  Signature of Preparer (if different from Responsible Officer)

6NYCRR PART 617
State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date: May 7, 2024

This notice has been prepared in accordance with Article 8 of the Environmental Conservation Law by the Town of Rotterdam Department of Public Works Department
(Reference: 6 NYCRR 617.5 Unlisted Action)

SEQRA Status:	Type I	()
	Type II	()
	Unlisted	(X)

Conditioned Negative Declaration:	Yes	()
	No	(X)

Owner: Burdeck Street Development, LLC
c/o John Hodorowski, Sr.
796 Burdeck Street
Schenectady, NY 12306

Tax Map Number(s): #59.19-1-4.1

Project Location: 784 & 796 Burdeck Street

Schenectady, NY 12306

Zoning: Light Industrial (I-1) Zoning Districts

Action: Boundary Line Adjustment of 784 and 796 Burdeck Street and subdivide the rear portion of 784 Burdeck Street to create an additional lot with frontage on Opus Boulevard.

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination)

This project is an Unlisted Action and the Planning Commission conducted as a SEQR coordinated review. The applicant has supplied an Environmental Assessment Form and the Planning Commission has or has caused to complete Part 2 of this checklist. The Department of Public Works for the Town of Rotterdam transmitted the application information to all involved and interested agencies for review on January 10, 2024. All comments and concerns have been addressed.

This 2 Lot Minor Subdivision is to allow for the boundary line adjustment of 784 and 796 Burdeck Street in order to subdivide the rear portion of 784 Burdeck Street to create an additional lot with frontage on Opus Boulevard (**Lot #1 Opus Boulevard** = ±71,736 s.f., **Lot #2 796 Burdeck Street** = ±57,151 s.f., and **Lot #3 784 Burdeck Street** = ±23,572 s.f.).

The property is in the Light Industrial (I-1) zone. Public water is available and the two lots fronting on Burdeck Street are currently developed. Any future development on the newly created Lot #1 will need to be reviewed and approved by the Rotterdam Planning Commission.

After a review of the application materials, Environmental Assessment Form, and comments received on this proposal, the Town of Rotterdam Planning Commission has determined that this proposal will not have a significant adverse impact on the environment.

The Planning Commission has considered the following criteria to determine if this proposal has significant adverse impacts on the environment:

- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
- (iii) the impairment of the environmental characteristics of a Critical Environmental Area.
- (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
- (v) the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- (vi) a major change in the use of either the quantity or type of energy;
- (vii) the creation of a hazard to human health;
- (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- (ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

- (x) the creation of a material demand for other actions that would result in one of the above consequences;
- (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or
- (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The Planning Commission has also considered the reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions, which are:

- (i) included in any long-range plan of which the action under consideration is a part;
 - (ii) likely to be undertaken as a result thereof; or
 - (iii) dependent thereon.
- (3) The significance of a likely consequence (i.e., whether it is material, substantial, large or important) has been assessed in connection with:
- (i) its setting (e.g., urban or rural);
 - (ii) its probability of occurrence;
 - (iii) its duration;
 - (iv) its irreversibility;
 - (v) its geographic scope;
 - (vi) its magnitude; and
 - (vii) the number of people affected

The environmental effects of the above-described action were discussed at regularly scheduled Planning Commission public hearing held on May 7, 2023. Adoption of this negative declaration was moved by XXXXXX, seconded by XXXXXX and approved by the Rotterdam Planning Commission.

Kimberly Ricker Scannell
Planning Commission Chairman

DPW Comments
May 7, 2024

5. **RPK Real Estate, LLC – 330 Becker Drive.** Sketch Site Plan/Special Use Permit Review to construct an additional ±2,400 square foot commercial building for the retail sale of cannabis within the existing travel plaza located on a ±3.37-acre lot. Engineer: Doak Engineering Design, PC.
1. Applicant has revised the building location and reduced the size. The two parking spaces shown on the east side of the building are a loading zone and should be labeled as such.
 2. Dumpster area is in a poor location and appears inaccessible to garbage truck. Additionally existing plaza tenants should be considered. Recommend moving the location and replacing enclosure with a studier material with bollards.
 3. Signage and pavement marking need to be addressed. Crosswalk, stop signs, arrows, and directional signage should be proposed.
 4. Applicant shall confirm that the proposed location of the cannabis shop meets the NYS Office of Cannabis Management regulations for setback from schools. Both the Schalmont Central School District and The Crossroads Center (395 Becker) are in close proximity to this location.
 5. The Planning Commission should authorize the Chairman to enter into an agreement to retain a TDE to assist in the review of this project.

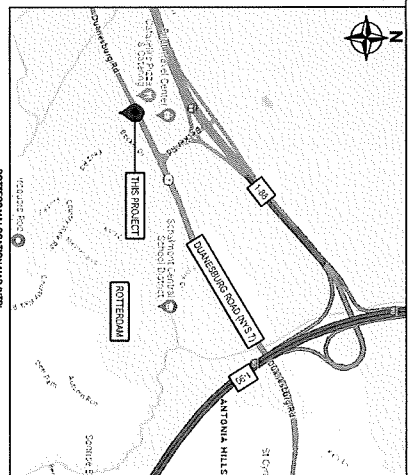
SEQR Requirement: 6 NYCRR 617 Unlisted Action. Rotterdam Planning Commission should declare Lead Agency.

Involved/Interested Agencies

Schenectady County Economic Development and Planning
Schenectady County Department of Health
New York State Department of Environmental Conservation – Region #4
New York State Department of Transportation – Audrey Burneson (cc Guy Tedesco & Chad Corbett)
Rotterdam Police Department
Fire District #6
Schalmont School District
Princetown (239nn)

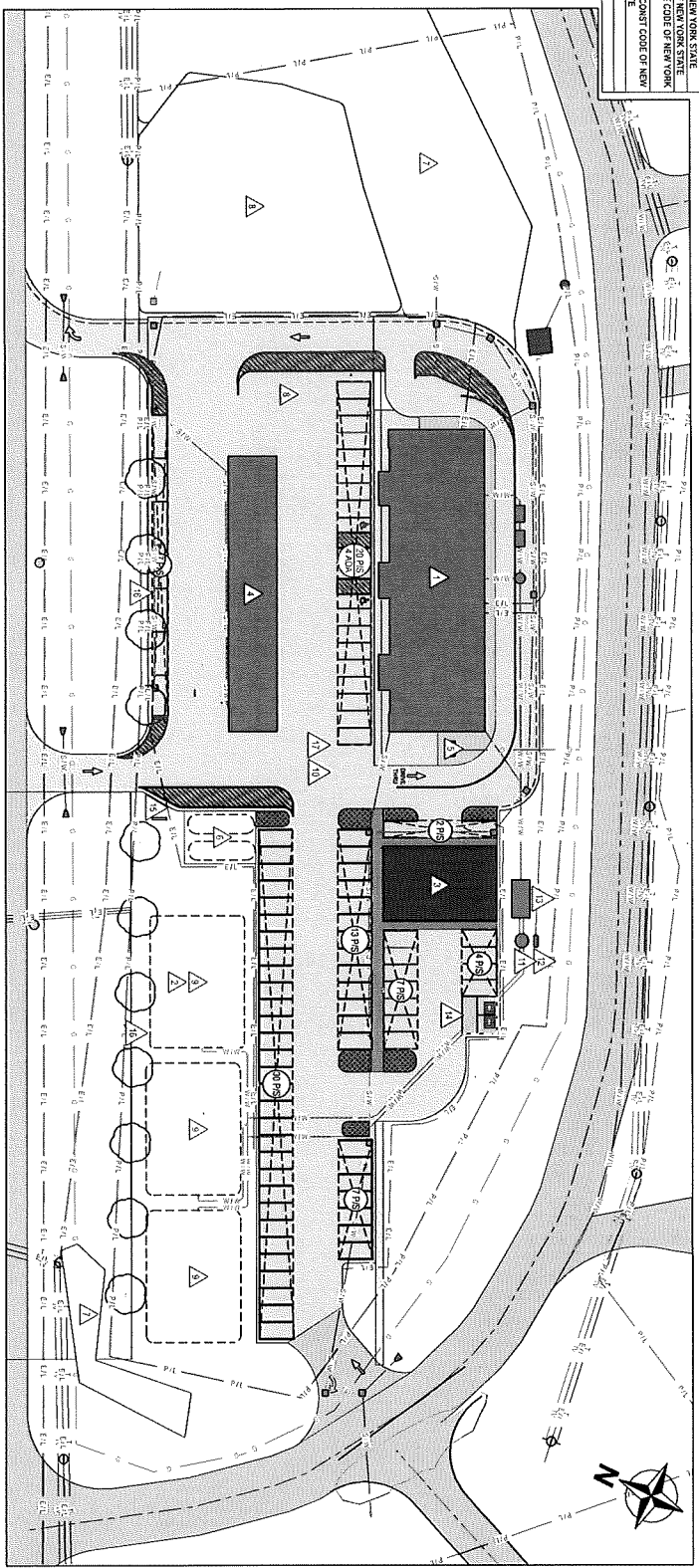
GENERAL PROJECT INFORMATION	
PROJECT NAME	2022-2023
PROJECT NUMBER	2022-2023
PROJECT ADDRESSES	330 BECKER DRIVE ROTTERDAM, NY 12306
COUNTY	SCHENECTADY
STATE	NEW YORK
CLIENT	IPW REAL ESTATE, LLC 444 BECKER ROAD ROTTERDAM, NY 12306
CONTACT	BELLA PROKHAR BELLAPROKHAR@GMAIL.COM
ENGINEER	DOAK ENGINEERING 185 MAIN STREET OWEGO, NY 13827
CONTACT	MR. BRIAN R. DOAK, PE 607799-5172 BROOKING@DOAK.COM
TAX PARCELS NUMBERS	51-525-1
ZONING DISTRICT	B-2: GENERAL BUSINESS
PLANNING JURISDICTION	TOWN OF ROTTERDAM
CODES IN EFFECT BY BUILDING DEPARTMENT	
2020 BUILDING CODE OF NEW YORK STATE	
2020 RESIDENTIAL CODE OF NEW YORK STATE	
2020 EXISTING BUILDING CODE OF NEW YORK STATE	
2020 PLANNING CODE OF NEW YORK STATE	
2020 MECHANICAL CODE OF NEW YORK STATE	
2020 PROPERTY MAINTENANCE CODE OF NEW YORK STATE	
2020 ENERGY CONSERVATION CODE OF NEW YORK STATE	

SITE PLAN NOTES	
1. EXISTING BUILDING (800 SQ FT)	
2. EXISTING SEPTIC SYSTEM CAPACITY IS SUFFICIENT TO SUPPORT ADDITIONAL BATHROOMS	
3. PROPOSED BUILDING (2400 SQ FT)	
4. EXISTING FUEL PUMP CANOPY	
5. EXISTING GENERATOR	
6. EXISTING FUEL STORAGE TANKS	
7. EXISTING WELL AND	
8. EXISTING STORMWATER SYSTEM (NOT SHOWN)	
9. EXISTING SEPTIC ASSOCIATION BEDS	
10. TOTAL PARKING SPACES (2400) REQUIRED, 20 PARKING SPACES (2400) PROVIDED	
11. EXISTING FUEL PUMP STATION	
12. EXISTING PUMP STATION CONTROL CABINET	
13. EXISTING 1200 GPM SEPTIC TANK	
14. EXISTING DUMPSTER	
15. EXISTING BUSINESS SIGN	
16. NEW TREE PLANTINGS	
NOTE TO OWNER: SIGNIFICANT ACCUMULATIONS IN EXCESS OF FOUR (4) INCHES SHALL BE REMOVED FROM ALL PARKING AREAS/PAVEMENTS WITHIN 48 HOURS.	



PROJECT DESCRIPTION:
THE PURPOSE OF THIS PROJECT IS TO ADD A NEW RETAIL STRUCTURE ON THE EXISTING SITE.
DEVELOPMENT MUST MEET ALL ZONING AND ERE CODES.
ROTTERDAM ZONING: B-2 GENERAL BUSINESS

CHARTERED ROTTERDAM PLANNING COMMISSION
DATE: 10/1/2024



SITE PLAN P-207

DOAK ENGINEERING
BUILDING & CIVIL ENGINEERING
607-799-5172 | BDOAK2@GMAIL.COM

DATE: 4/30/2024

SCALE: 1"=30'

DRAWING: C-001

SHEET: 1

COVER

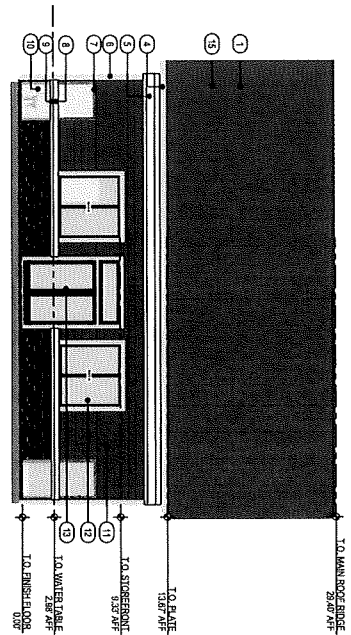
ROTTERDAM NEW STORE
330 BECKER DRIVE, ROTTERDAM,
NY 12306

REVISION TABLE	
NUMBER	DATE
1	4/29/24

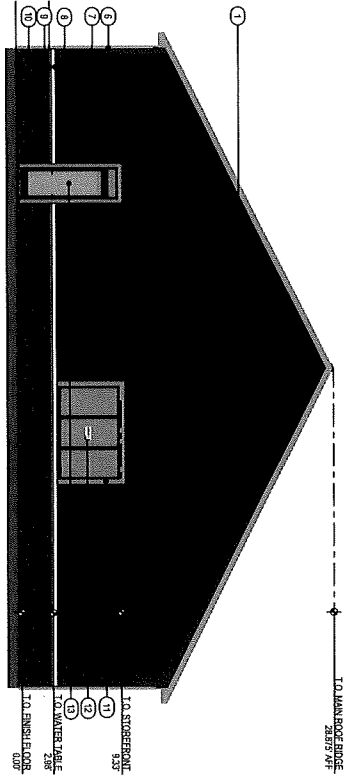
DESIGNED BY: BDO

DISSEMINATED BY: BDO

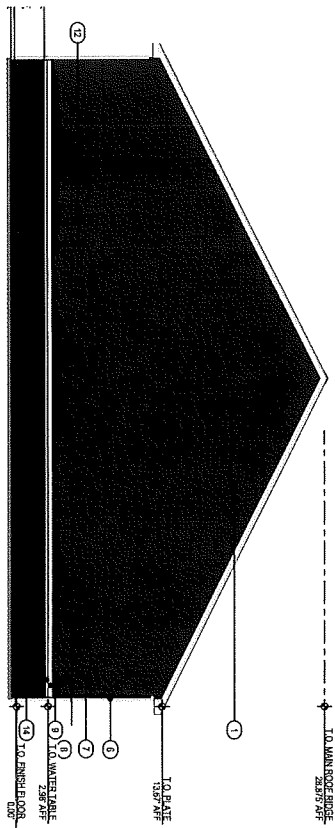
80040 BLD



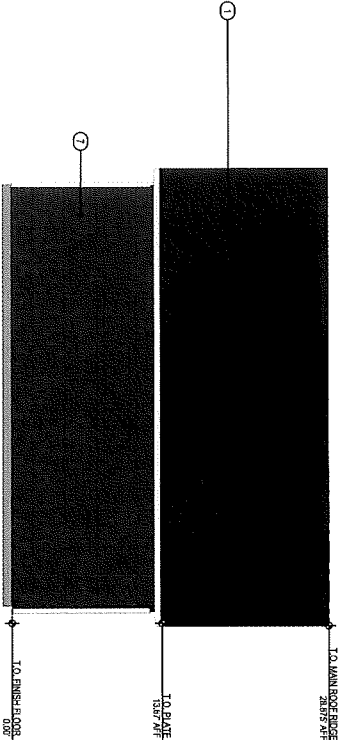
FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



Elevation 2

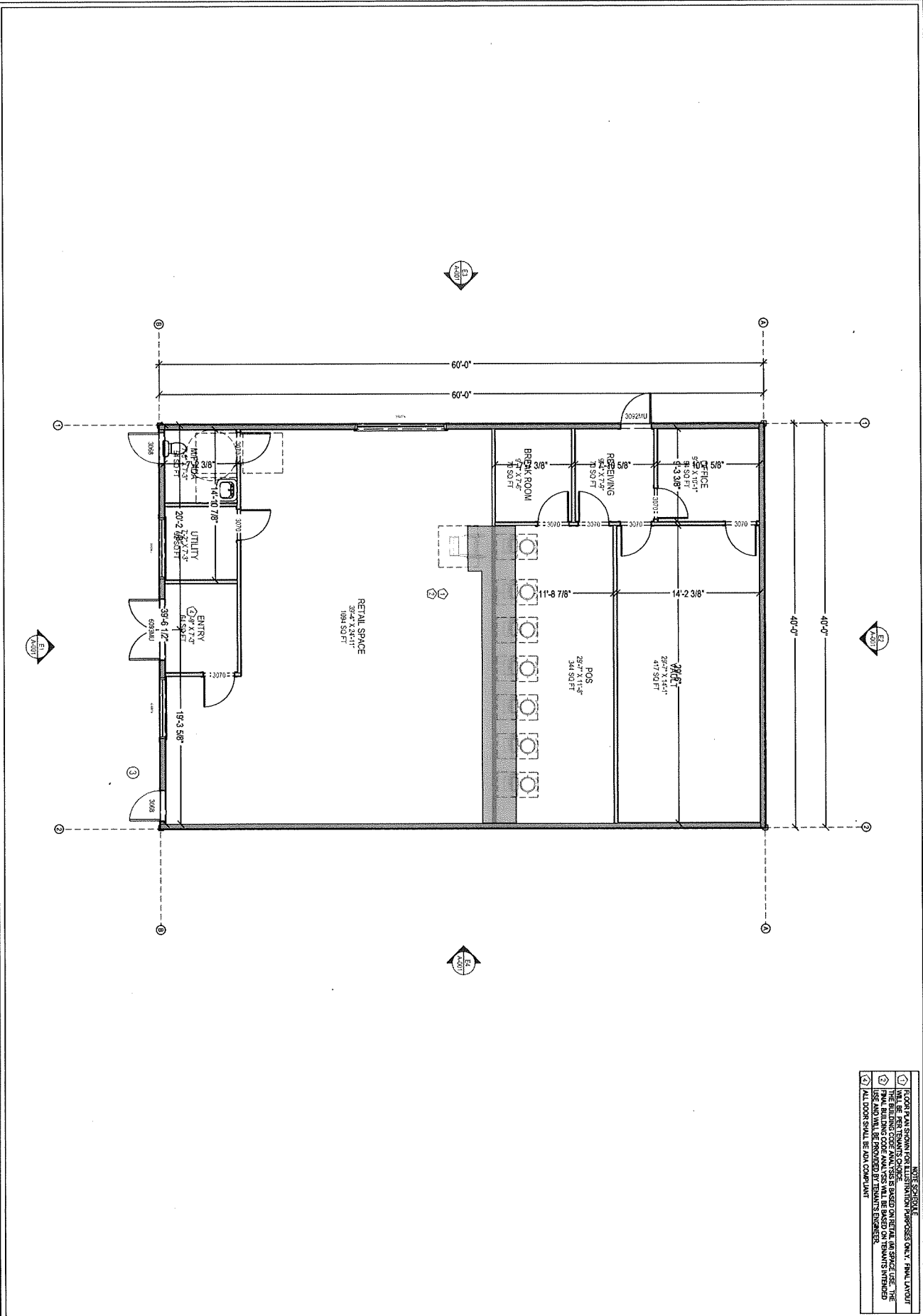
ELEVATIONS

ROTTERDAM NEW STORE
330 BECKER DRIVE, ROTTERDAM,
NY 12306

REVISION TABLE			
NUMBER	DATE	REVISION BY	DESCRIPTION
1	4/20/24	BSG	ISSUED FOR PERMIT



DATE:	4/30/2024
SCALE:	3/16"=1'
DRAWING:	A-001
SHEET:	5



MAR 13 2024

TOWN OF ROTTERDAM
PUBLIC WORKS

**All requested information shall be provided and must be filled out in ink or typed
for photocopying purposes**

PART III

SPECIAL USE PERMIT/SITE PLAN APPLICATION
General Information

Legal Owner's Name: RPK Real Estate, LLC

Mailing Address: 414 River Road

City: Newburgh State: NY Zip: 12550

Daytime Phone: 727-267-0262 E-mail: Bella.Farquhar@gmail.com

If applicant is not the owner, include the written owner authorization form below (See Part IV) designating the contact to serve as representative.

Owner's Designated Contact: Doak Engineering Design, PC, Brian R. Doak, PE

Mailing Address: 185 Main Street

City: Owego State: NY Zip: 13827

Daytime Phone: 607-759-5792 E-mail: bdoak@dedpc.com

Project/Proposal Site Area (Acres or sq. ft.): 3.31 Acres

Assessor Tax Parcel No.(s) of Proposal Site: 57.-3-25.1

Adjacent Area Owned or Controlled (Acres or sq. ft.): 1.01 Acres

Assessor Tax Parcel No.(s) of Adjacent Land Owned or Controlled: _____

T/M: 57.-3-23, Town of Rotterdam

Street Address of Proposed Site (if any): 330 Becker Drive

Describe Existing Use(s) on Proposed Site (Such as buildings, well, sewer drainfield and others): _____
Gas Station, Fast Food, Convenience store and Liquor store.

Existing Zoning Classification: B2 General Business

School District: SCHALMONT Fire District: FD600

Water Supply CW500

LEGAL INFORMATION

Location of Proposal Site (General description by which direction and how far from roads and intersections and other community features):

The new building will be located west of the existing building and approximately the same setback.

Name of public road (s) providing access: NYS 7 (Duandsburg Road)

Width of property fronting on public road: ~670'

Attach deed or legal description.

Attach a lease agreement of the proposed site (if applicable).

Purpose for the requested site plan approval (and special use permit if applicable):

Construction of new retail structure on the existing lot.

Is the proposed use to be temporary or permanent? If temporary, please explain:

Permenant

Does any City officer, employee or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? YES _____ NO X. If yes, a statement disclosing the name, residence, nature and extent of this interest must be filed with this application.

PART IV

LEGAL OWNER SIGNATURE

(Signature of legal owner(s))

I, the undersigned, swear or affirm under penalty of perjury that the above responses are made truthfully and to the best of my knowledge.

I further swear or affirm that (I) (we) (am)(are) the owner(s) of record of the area proposed for the previously identified land use action

Name: Heinrich Smith

Date: 3/7/2024

Address: 414 River Rd

Phone: 845-591-2544

Newburgh NY

Zip: 12550

[Signature]

Date: 3/7

*#1 Signature of Owner #1

Notary
(For Signature #1 Above)

STATE OF NEW YORK) ss:

COUNTY OF SCHENECTADY) ORANGE

SUBSCRIBED AND SWORN to me this 7th day of March, 20 24

NOTARY SEAL

ANTOINETTE M ELLIS
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01EL6241419
Qualified in ORANGE County
Commission Expires May 23 2027

[Signature]
Notary Signature

Notary Public in and for the State of New York
My appointment expires: May 23, 2027

Name: _____

Date: _____

Address: _____

Phone: _____

Zip: _____

*#2 Signature of Owner #2

Notary
*(For Signature #2 Above)

STATE OF NEW YORK) ss:

COUNTY OF SCHENECTADY)

SUBSCRIBED AND SWORN to me this _____ day of _____, 20____.

NOTARY SEAL

Notary Signature

Notary Public in and for the State of New York
My appointment expires: _____

TOWN OF ROTTERDAM



John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org

LETTER FROM PROPERTY OWNER GRANTING AUTHORIZATION TO ACT

A COPY OF THIS LETTER MUST BE SUBMITTED FOR EACH PROPERTY OWNER
INVOLVED

I, Harinder Singh, being duly sworn declare that I am the
(PROPERTY OWNER)

owner of the property involved in a proposed Site Plan application request
before the Town of Rotterdam for property known as parcel number (s):

Tax Parcel Number(s): 53.-3-23

I hereby grant Doak Engineering Design, PC and/or their agent(s) to act on my behalf.

I further declare that all statements, answers, and information herein submitted is in all respects
true and correct to the best of my knowledge and belief.

Signature (Authorized Representative): [Signature]

Date: 3/7/2024

NOTARY

STATE OF NEW YORK) ss:

COUNTY OF Orange)

SUBSCRIBED AND SWORN to before me this 7th day of March, 2024

NOTARY SEAL

[Signature]
Notary Signature

ANTOINETTE MELLIS
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01EL6241419
Qualified in ORANGE County
Commission Expires May 23 2027

Notary Public in and for the State of New York

Residing at:

Newburgh NY 12550

My appointment expires:

May 23, 2027

2. **RPK Real Estate, LLC – 330 Becker Drive. Sketch Site Plan/Special Use Permit Review to construct an additional ±4,320 square foot retail building with two (2) tenant spaces within the existing travel plaza located on a ±3.37-acre lot. Engineer: Doak Engineering Design, PC.**

Ms. Scannell: Is anyone from Doak Engineering? Come to the microphone.

Mr. Doak: Good evening, my name is Brian Doak from Doak Engineering. I am representing RPK Real Estate regarding the development of a second lot “Inaudible...” a liquor store and a convenience store. This site plan that has been presented to you, I submitted to Mr. Comenzo and I have gotten the comments back that I am prepared to address tonight but basically the existing site, the new building will be adjacent to the existing building as shown on the plan and it’s about 4,320 square feet. It is intended to, originally, I thought it was going to be two (2) retail spaces but it sounds like we are going to want to go with one (1) retail space and the same space. One of the questions that was raised in some of the comments was to ensure that the existing utilities will support the new structure and they will. I have confirmed the existing onsite septic system and it’s on public water so there is no private water. There is no electricity draw practically. It’s retail space with lighting and security cameras and things like that.

I am prepared to answer any questions. You have seen the plans, you’ve seen the SEQR EAF, the application and if there are any questions, I would be happy to answer them now.

Mr. Collins: I have a question for Peter. Before he was doing two (2) stores and he was getting a variance on the parking. Does that change if he’s only doing one?

Mr. Comenzo: No, it’s based on the square footage. There would need to be a variance on the parcel.

Ms. Scannell: Thank you, Brian, for your presentation. What kind of mercantile are we looking at?

Mr. Doak: Well, at first, I thought it was going to be two (2) retail spaces as shown on the plans but I’ve learned that since there has been an application put in for a cannabis dispensary and I brought one of the owner representatives here tonight to explain that. I was not aware of that until the day before yesterday. I do know there is a process to go through with the town regarding cannabis dispensaries. They’re not talking about a lounge or anything like that. It is strictly a dispensary for sale of marijuana.

Ms. Scannell: So, since you weren’t aware of that when you were working on your plans, would parking be a consideration or concern at this point?

Mr. Doak: Well, whether its two (2) retail spaces or a cannabis space, they are all retail so, they all require the same amount of parking spaces. So, whether you have two (2) retail or one (1) retail it doesn’t make any difference.

Ms. Scannell: I know that we have seen in other projects, other areas, parking can sometimes be a problem. It looks like we are losing some parking spots. How many parking spots would we be losing?

Mr. Doak: Ninety (90) down to “Inaudible...” If you look at the plans you will see, I think we need by code we should have 94 and we are going to be going down to 71.

Ms. Scannell: So, we are losing 23 spots. In our packet, as you know, for people in the audience, just so you know, we are on staggered seven (7) year appointments so I think this is Mr. D’Alessandro’s 7th year, so he probably could say I don’t have to read all of that because I was here and I knew what happened but for someone like me, someone like Mr. Miglucci, it was good to just kind of bring up to speed to see kind of what had transpired. I visited earlier today and I did see that some of the parking spots appear to be used, maybe long-term storage or something for big trucks that didn’t have a cab on them.

Mr. Doak: I'm not aware of that. My observations, this is strictly passing by because I go up 88 all the time and back and forth, every time I pulled into that plaza, I don't see so many cars in that parking lot and I think most of the spaces were driven by the fast-food store, I think it's a Wendy's there.

Ms. Scannell: It's a Wendy's, right?

Mr. Doak: I never seen that parking lot anywhere near capacity and people live here and you can tell me better.

Ms. Scannell: Well, that is because there is not a mercantile there.

Mr. Doak: You do have retail with the liquor store and the convenience store.

Ms. Scannell: I did notice in the comments from other Planning Commission meetings that trucks were not going to be parking there so I was kind of surprised when I saw a big, giant truck without a cab on it, kind of being stored in a lot of parking spots. It seemed like, when I was there, there was one parked truck with a cab on it. So, it would be concerning if we are already losing parking spots that we are also losing parking spots to truckers resting and parking, which I understand. There may be times that there is not room across the street at Pilot. Mr. D'Alessandro?

Mr. D'Alessandro: I have one question and it's kind of confusing. Why was is considered 330 Becker when I can see if it faced Becker, it would be 330 Becker but it's facing Duanesburg Road. I'm kind of, what is going on here.

Mr. Doak: I believe that's the address shown on the tax map. It does address Duanesburg Road/Route 7 and I showed it on the plan like that. You can see the north arrow is pointing the wrong direction. It is Route 7 right across from the Pilot and the address is 330 Becker.

Mr. D'Alessandro: Number 6, when you were talking about the cannabis, I actually looked it up because Schalmont School is just down the street there was concern. I guess there is a 500' buffer from building to building. That is all that I have at this moment.

Ms. Scannell: Mr. Calder?

Mr. Calder: I don't have much. "Inaudible..." (Too far from recorder). No draw for the power for the sewer or water.

Ms. Scannell: Mr. Collins?

Mr. Collins: What I am concerned about is if it's a cannabis store. They bring a lot of traffic, they really do. I have been past the place in MA and it's jammed. The one near the outlets. I understand about the location because it's a prime location but they could be coming from Richmondville, whatever coming down that way, coming from Amsterdam so, I have a hard time taking away 23 parking spots because it's going to affect the other tenants have with the convenience store, the liquor store and Wendy's. Is it fair that you might be cutting into their parking spaces where they need it to run into the liquor or convenience store. A cannabis store is going to cause a lot of traffic. We already had one at Five Corners and someone wanted to put one at Little Super with four (4) parking spaces. If you go pass the one in MA, I mean it's jammed packed so, I have a real hard time giving up, personally and I am only one vote, giving up 23 parking spaces for a potentially very, very busy place. That is just my concern and like I said I am only one vote, that is a lot of parking spaces to give up. It's not like we are talking three (3) or four (4). Twenty-three (23) is basically about 20 or 25%, from 94 to 23 so, I have a concern about how much traffic that is going to generate and I know "Inaudible..." and you have to be 21 to buy it. That's a busy corridor now let alone adding to it because you are going to have a lot of people from out of town, especially people that don't want to buy cannabis in their own neighborhood especially if you have to show a license and everything else and if I live in Oneonta and go here, no one knows me.

Like I say, that is my concern to lose that many parking spaces for a potential busy place. And if they are only making one retail, that is going to be a big cannabis store. That is just my concern and like I say, I am only one vote. That is all that I have.

Ms. Scannell: Mrs. Flansburg?

Mrs. Flansburg: Just a couple of things and I was there after work today so like 4:30, 5 o'clock and Ms. Scannell was there earlier. The trailer was parked with no tractor. There were two (2) tractor trailers parked with no people in it and then there was a tractor trailer parked down a center isle because I was trying to maneuver around to see how much space this was going to take up. Unless there is a way to remove them, I don't know if they are welcome or not welcome, but obviously the one that has no tractor on it has been there a bit or intends to be there for a bit. It was actually not blocking but narrowing the exit out onto Becker to be able to get exit off onto the side road there. So, I'm with Mr. Collins, typically we as a Board are cognizant of when places do not need to have the required number of spaces depending on the use of the building, but in this case, it would be taking away a large number of spaces. So, I do have an issue with that.

I saw people sprinting from the parking lot over to the other building so I am just trying to think of the traffic flow, people, I'm not sure, I would have some safety concerns of that as well. That's all that I have.

Ms. Scannell: Mr. Signore?

Mr. Signore: I think Mr. Collins and Mrs. Flansburg pretty much said my concerns. It's not necessary to repeat them but if you have a business that does a lot of traffic and you're going backward in terms of space for it and we've had this issue before like they stated, a cannabis dispensary, the parking would be right out into the road. That's a concern for myself.

Ms. Scannell: Mr. Miglucchi?

Mr. Miglucchi: The parking spaces is an issue. What concerns me is I know I understand buffers and that but those kids from Schalmont walk up and down that street all day long after school and I would really hate to see someone get hurt over inadequate parking or a tractor trailer blocking and a kid tries to walk, parking is a big thing especially on a highway like that. We've had a lot of problems and accidents on that intersection and that is all that I have.

Ms. Scannell: Thank you, Mr. Miglucchi.

I noticed when I was going there this morning as well, and even on other times that I have been there not looking at it through a Planning Commission eye, it's a little confusing and hectic to get in and out of there. I know when I have been there previously, it was kind of busy. The Wendy's, the traffic flow like I understand it when I look at your sketch, it makes sense but everybody that is pulling in there isn't necessarily of having the benefit of looking at your sketch. I think what Mr. Miglucchi said about the kids that will walk down, if there are cars that cause overflow parking, they are going to do one of two things. They are going to park on Becker which we really don't want or they are going to park on Duaneburg Road which we really don't want. I'm very, very concerned about losing that many parking spots.

Some of the questions that DPW had were snow storage areas. Are those indicated on the...

Mr. Doak: No, they are not.

Ms. Scannell: That would be something that if this moves forward that we would definitely want to see. I know that I saw a dumpster kind of where that building would be. We would need to know what the plan was with the dumpsters. I'm guessing they would probably need their own and then where the dumpster for all the other places go?

One of the other comments an ADA compliant sidewalk, curbing, crosswalk, and signage will need to be established to create a pedestrian connection with the existing travel plaza. The existing drive-thru for Wendy's is very active and additional traffic control is warranted. So, that's pretty much saying what I said in a weird, roundabout, when I did go there it was early morning once and I was travelling and I needed to get gasoline and I wanted to get coffee and I didn't even get the coffee. By the time I pulled in, it was a zoo and really hectic there. I have some real concerns when we have seen in other municipalities when dispensaries have opened, parking is a problem. We have seen it on the news. We see people lining up. So, that is a concern.

Also, I would note that DPW comments include routine maintenance of the existing facility should be addressed. I know that the building inspector has been out there a couple of times and he has asked for compliance when it comes to picking up debris and while some progress has been made, he was out there again today and there is still some work that needs to be done as far as picking up the debris and the garbage and any of the dead and dying plantings along Becker Drive would certainly need to be addressed.

Mr. Collins: I want to thank you for being honest about the cannabis store. You could have very "Inaudible..." because once we get the "Inaudible..." I want to thank you for being honest and we take that into consideration and at least you were forthcoming and not just saying we are going to have I don't know what and then we give it up and then you come in and say I got it so, I want to thank you for at least being honest with your presentation and your documentation. That is all that I have. Thank you.

Ms. Scannell: Do you have any feedback or questions for us?

Mr. Doak: Yes, if I leave the plan strictly retail does that make any difference. If we were to leave it retail without any cannabis having this discussion, I don't do that...

Ms. Scannell: I personally would still have concerns. I would definitely want to know what the retail was. If it was some place that you would go. I'm going to get my hair done tomorrow night, I'm going to be there for three (3) hours and I'm going to take one (1) parking spot and it's just going to be me, but if it was a craft store where people are in and out, in and out, in and out, then parking for me would present a little bit of a problem and I would also still be very concerned about the "Inaudible" position of people getting in and out. I don't see a clean traffic pattern right now, certainly taking parking spots away and putting a retail establishment there would be concerning. Would you guys like to comment on it if it were a different store?

Mr. Collins: Like I said, the problem is and I'm not saying you would do this, but you could come in and say you're putting a 4,000 square foot "Inaudible..." we have to be very confident when we give back parking spaces that it is not going to bite us on the other end.

Mrs. Flansburg: And typically, we don't give parking spaces. You show us where you can actually put those parking spaces and you bank them. I don't see a place where you can bank spots. We typically don't say take out 25 spaces and then if your business grew and you needed those spaces, then you would have the ability to do it. I would not be comfortable without having shown banked parking spaces to be able to rectify what do you do if you are there and it is a zoo. Which you hope your business is super successful but I would have an issue with not being able to have banked parking there. It's not safe.

Ms. Scannell: Mr. Calder or Mr. D'Alessandro, would you like to answer that question any more than it has been answered?

Mr. D'Alessandro: No.

Mr. Calder: No.

Ms. Scannell: Mr. Miglucci? Mr. Signore?

Mr. Miglucci: No.

Mr. Signore: No.

Ms. Scannell: Does that help? Did our answer give you the answer you were looking for.

Mr. Doak: I will have to talk to the owner. They want to put a cannabis store there. With all due respect with everything has been said, my purpose is to come to you and discuss it and I wish there was a solution, I wish I could provide the banked parking but the field in front between 7 and the way the building would go, that is where the septic leach field is and then on the other side over near Wendy's there is a very complicated drainage percolation system there with drainage off the parking lot. The only thing I can suggest with regard to traffic flow and I'll bring this to the attention of the owner but maybe a few arrows would be appropriate to direct traffic in a more efficient way.

Ms. Scannell: That's great and that would be helpful.

Mr. Doak: Another comment that I would like to make is that the way that Code is now, we would be able to, if we met the parking, that is in the code now, we would be able to put a cannabis store there.

Ms. Scannell: Yes, you would be but you need parking.

Mr. Doak: If we had the 90 plus.

Mr. Collins: We are not saying that we are against cannabis stores. I will be honest with you. I wish the town never allowed it but that barn door is closed but it's all about parking and what it creates. If we concede to this, what happens when the next guy comes along and he says you gave him 23 spaces and I'm only asking for 15. Sometimes what we do we have to think what is going to happen six (6) months from now. I've been around for ten (10) years and I've seen things backfire and I'm a little more cautious.

Ms. Scannell: I can tell you when we received the plan originally, when I got the email from Peter, my first thought was I wasn't even thinking dispensary. I said what mercantile for two reasons – one (1) I like to go shopping and two (2), oh my god is it going to be a mess over there. Again, if you put something that has a lot of cars coming in and out it kind of adds to the chaos for lack of a better term. Mrs. Flansburg was there closer to the end of the day. I don't know if Wendy's serve breakfast but they didn't appear to serve breakfast when I was there at 10:08 this morning but what was dinner time like?

Mrs. Flansburg: There were a lot of people getting gas. They were people in the que for Wendy's but I was more concerned with that many tractor trailers blocking off that many spaces. Again, I'm not opposed to a dispensary, they are welcome we are just trying to find the best location to keep everyone safe.

Mr. Doak: It sounds like the truck parking thing is a separate issue.

Mrs. Flansburg: It is a separate issue.

Mr. Doak: Even if that was taken care of, there's still not enough parking.

Mrs. Flansburg: There is still not enough parking.

Mr. Doak: I'm wondering if that will go in five (5) years if things will even out.

Ms. Scannell: I understand what you are saying and if that were the case, then as a Board we might be not as reluctant to let you not have as many parking spots but right now, we have to look at it “Inaudible...” that nuts.

Mr. Collins: I thought we were not going to allow tractor trailer parking.

Mrs. Flansburg: There wasn’t.

Ms. Scannell: There’s not supposed to be.

Mr. Doak: I will pass that back to the owner.

Mr. Collins: We had this discussion when someone wanted to build an extra store there and it’s not like we are just coming after you but I know we had conversations about no truck parking.

Ms. Scannell: For the owner’s sake as well, all of the verbatim minutes have been included in the agenda from all of the other times that they have been here. Nothing we are saying tonight should come as a big surprise with regard to the tractor trailers. Nothing we are saying tonight should come as a big surprise with regard to the parking.

Mr. Calder: If you lower the size of the store, you could get more parking spots.

Mr. Doak: With the spot, most of the parking loss is right where the building is sited. There is really no other place. It’s one or the other it’s either parking or retail.

Mr. Collins: “Inaudible...”

Mr. Valiquette: So, at this time, you obviously have heard some of the comments from the Board, I think it’s just important to summarize that from obviously from the Code standpoint that you reference that yes, if the parking did meet what the code said, yes, the cannabis store could be there. I also think that it’s important to mention that there is already a liquor store nearby. This Board is not commenting about how what people choose to consume, this is about safety and it’s about making sure that we are meeting what the needs of the community are and what is going to “Inaudible...” I just wanted to make that clear. As for SEQR, we would need to declare lead agency but that is up to the Board to do tonight. The Board can defer until you come back.

Ms. Scannell: I think that if we were to vote on something tonight it doesn’t sound like with the parking, I don’t think we would have everyone on Board. Peter, do you want to weigh in if we should declare lead agency? Do you want to come back with a different plan, Brian?

Mr. Doak: I think it would be wise to go back and talk to the owner and present another plan. I can come back with some valuable feedback. We don’t need a beauty store for 3-hour parking but maybe some other retail that would be more in line with the loss of parking and being able to make it work for everybody. I think that would be the wise thing to do is go back and talk to the owner and knowing what we know now, I really need to feed that back to him so that a decision can be made.

Ms. Scannell: Thank you. We are not going to take any action tonight but we really appreciate you coming and talking to us about this. If you or the owner has any questions, they can get in touch with Peter or us.

Mr. Doak: Peter has been a great help.

Ms. Scannell: Thank you very much.

That is all the business that we have on the agenda for tonight. I will entertain a motion to adjourn.

Mr. Collins: I will make a motion to adjourn.

Ms. Scannell: Do I have a second?

Mr. Calder: I will second it.

Ms. Scannell: Please call the roll.

Ms. Carter: Mr. Collins?

Mr. Collins: Yes.

Ms. Carter: Mrs. Flansburg?

Mrs. Flansburg: Yes.

Ms. Carter: Mr. D'Alessandro?

Mr. D'Alessandro: Yes.

Ms. Carter: Mr. Calder?

Mr. Calder: Yes.

Ms. Carter: Mr. Signore?

Mr. Signore: Yes.

Ms. Carter: Mr. Miglucci?

Mr. Miglucci: Yes.

Ms. Carter: Ms. Scannell?

Ms. Scannell: Yes.

Meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Marlo L. Carter
Planning Commission Secretary

DPW Comments
May 7, 2024

6. **Town of Rotterdam – Code Amendment.** Report and Recommendation to the Town Board to amend Chapter 270, entitled “Zoning” to amend the Main Street/Neighborhood Center Overlay District height requirements from three (3) stories (45’) to two (2) stories (30’).
 1. The Rotterdam Town Board referred to the Rotterdam Planning Commission and declared lead agency on April 24, 2024.

SEQR Requirement: 6 NYCRR 617 Unlisted Action. Materials circulated on April 25, 2024.

Involved/Interested Agencies

Schenectady County Economic Development and Planning (239m & 239nn)

239nn to the following municipalities

City of Schenectady

Albany County Town Clerk

Colonie Town Hall

Glenville Municipal Center

Guilderland Town Hall

Montgomery County Town Clerk

Niskayuna Town Hall

Town of Princetown

Village of Florida

TOWN OF ROTTERDAM

John F. Kirvin Government Center • 1100 Sunrise Boulevard • Rotterdam, NY 12306
Telephone: 518-355-7575 • Fax: 518-355-7976 • Website: www.rotterdamny.org



LEGISLATIVE REQUEST FORM

DATE: April 22, 2024

TO: Mollie Collins, Town Supervisor

FROM: Peter Comenzo – Senior Planner *PC*

TITLE OF REQUEST: Declare Lead Agency and Refer to Planning Commission for Report and Recommendation to amend the Zoning Code for the Town of Rotterdam and reduce the allowable building height in the Main Street/Neighborhood Center (MS/NC) Overlay District.

TOWN BOARD MEETING: April 24, 2024

Background Information: Town of Rotterdam Main Street/Neighborhood Center Zoning Overlay currently allows buildings to be three stories and up to 45 feet in height. Proposed amendment would reduce the allowable height to 2 stories up to 30 feet in height.

Evaluation/Analysis: Mixed Use Zoning was developed in 2017 as part of the land use update and created the overlay district in areas of the town that contain underutilized and vacant properties to foster redevelopment opportunities. The December 2022 update to the Comprehensive Plan contains recommended actions for the corridor mixed use area. Limiting building heights Main Street/Neighborhood Center Zoning to two stories would help to implement these recommendations in the Comprehensive Plan.

Recommendation(s): Declare Lead Agency under SEQR and Refer to Planning Commission for a Report and Recommendation.

Attachment/Document(s): Main Street/ Neighborhood Center Zoning
SEQR Short Environmental Assessment Form

Compliance with Purchasing Policy: N/A

Effect(s) on Existing Law(s): Updates to Zoning Code Chapter 270

LEGISLATION WILL BE PREPARED BY: Supervisor's Office

*Town of Rotterdam, NY
Monday, April 22, 2024*

Chapter 270. Zoning

Article VIIIB. MS/NC Main Street/Neighborhood Center Overlay District

§ 270-53.25. Maximum building height.

Where an election has been made to proceed under this article in accordance with § **270-53.21**, the maximum building height shall be ~~three~~ stories, not exceeding ~~45~~ feet.

two

30

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Town of Rotterdam Zoning Code Amendment			
Project Location (describe, and attach a location map): Town of Rotterdam			
Brief Description of Proposed Action: Amend the Zoning Code for the Town of Rotterdam and reduce the allowable building height in the Main Street/Neighborhood Center (MS/NC) Overlay District. Town of Rotterdam Main Street/Neighborhood Center Zoning Overlay currently allows buildings to be three stories and up to 45 feet in height. Proposed amendment would reduce the allowable height to 2 stories up to 30 feet in height.			
Name of Applicant or Sponsor: Town of Rotterdam - c/o Peter Comenzo - Senior Planner		Telephone: 518-355-7575 x-338 E-Mail: pcomenzo@rotterdamny.org	
Address: 1100 Sunrise Boulevard			
City/PO: Rotterdam		State: New York	Zip Code: 12306
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO ☐
			YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO ☐
			YES ☐
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☐	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☐	YES ☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO ☐	YES ☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO ☐	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO ☐	YES ☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO ☐ ☐	YES ☐ ☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO ☐ ☐	YES ☐ ☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☐	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☐	☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☐	☐

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☐	☐

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☐	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Peter Comenzo</u> Date: <u>April 24, 2024</u> Signature: <u>Peter Comenzo</u> Title: <u>Senior Planner</u>		

PRINT FORM